

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION**

Arthur W. Devine, Referee

PARTIES TO DISPUTE:**FRANK L. RECEK, SR.****REA EXPRESS, INC.**

STATEMENT OF CLAIM: Whether the employment of Frank L. Recek, Sr. by REA Express was properly terminated by said company for nonpayment of dues in accordance with the union shop agreement existing between the company and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, taking into consideration the past practices of the company in similar situations and all relevant circumstances relating to said termination, including the procedure employed by the company to adjust the dispute between itself and Frank L. Recek, Sr.

OPINION OF BOARD: Claimant was dismissed from service because of his failure to maintain his membership in the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (BRAC) as required under the provisions of the Union Shop Agreement between this Carrier and that Labor Organization.

On the basis of the record in this case, we are obligated to conclude that there was no violation of the Agreement, and that Claimant was properly discharged for failure to maintain his union membership by not paying his periodic dues.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee with the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That Carrier did not violate the Agreement.