

Award No. 18708

Docket No. DC-19052

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert A. Franden, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL OF DINING CAR EMPLOYES, LOCAL 465

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council of Dining Car Employees Local 465, on the property of the Union Pacific Railroad Company, for and on behalf of JOHN W. WOODS, that he be reinstated and compensated for all time lost because of Carrier's action in dismissing him from service with inconclusive evidence.

OPINION OF BOARD: This is a discipline case. Claimant was dismissed from service for violation of Company rules. In particular Claimant was charged with violating the rules relative to the proper handling of meal checks and moneys in the dining car service.

From the record it is clear that the matter was properly procedurally handled in accordance with Rule 17 of the Agreement.

The Statement of Claim places before this Board the question of the sufficiency of the evidence upon which the Claimant was dismissed. The charge in this matter arose out of the observation of an Agent of the railroad who reported the actions of the Claimant as being against the Company rules. The transcript of the investigation and the written report of Agent Hillary reveal that substantial evidence of probative value was adduced to support the charge.

It is not the function of this Board to weigh the evidence in discipline cases. A determination that sufficient evidence was presented to support the charge is what is necessary. Further, we shall not substitute our judgment as to punishment for that of the Carrier unless we find that the punishment is so out of line with the offense so as to deem it arbitrary and capricious.

In the present case Rule 700(A) specifically sets out discharge from service as the discipline for "employees involved in irregularities in the handling of dining car meal checks * * *" We will not disturb the decision of the Carrier.

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 Employees involved in this dispute are respectively Carrier and Employees within 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 the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 24th day of September 1971.