

Award No. 1203
Docket No. CL-1305

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE DENVER & RIO GRANDE WESTERN RAILROAD CO.

Wilson McCarthy and Henry Swan, Trustees.

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that Mr. Cyrus J. Small, Secretary-Clerk, Car Accountant's Office, Denver, Colorado, be restored to service with full seniority rights intact and that he be compensated for all time lost subsequent to his dismissal March 4th, 1940."

OPINION OF BOARD: Based on all the facts and circumstances of this particular case, the Board is not disposed to disturb the action of the carrier in dismissing Cyrus J. Small from service on March 4, 1940.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the carrier and the employe involved in this dispute are respectively carrier and employe 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 action of the carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 25th day of October, 1940.