

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local No. 495, for and in behalf of Mr. George Cruisman, Waiter, to be returned to service with seniority rights unbroken and accumulated and compensation to the extent suffered retroactive to June 25, 1943, as a result of wrongful discharge in abuse of the Carrier's discretion and in violation of Rule 13—of the current agreement.

OPINION OF BOARD: The question in this case is the reinstatement to the service of George Cruisman and is based on the question of procedure in holding investigation. The merits of the dispute are not before this Division.

Employees contend that Cruisman, being an employee of the Dining Car Department, can only have charges preferred against him through the officers of that Department, and in support of this contention they rely on paragraphs (a), (b), (c), (d), (e), and (f) of Rule 13, "Grievances, Discipline, Appeals."

The Board finds nothing in the rules of the controlling Agreement defining who shall prefer charges or conduct hearings. There being no such definition in the rules, the Board cannot supply same.

A thorough understanding of the question may be desirable, but it can only be had through negotiations. As the question of procedure only is before the Division, the case must be dismissed.

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 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 question of procedure in holding investigation only being before the Division, the case will be dismissed.

AWARD

Claim dismissed in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of June, 1944.