

Award No. 3309
Docket No. DC-3428

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 370
NEW YORK CENTRAL SYSTEM

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 370 on the property of the New York Central System, (Line East) for and on behalf of Mr. Sylvester Salter, Waiter-in-Charge, Mr. George King, Chef, and Mr. William S. Sullivan, Waiter, each of them employees in the Dining Car Department of the New York Central System, to have their records cleared of the charge of "mishandling guests checks on R.L. 495, train advance No. #2, August 7, 1945," and "Serving guests without checks on R.L. 495, train 90, August 7, 1945, and for compensation to the extent each of them may have suffered.

OPINION OF BOARD: This is a claim to have the records of three employees cleared of the charge of mishandling guest checks and serving guests without meal checks. It also seeks compensation to the extent each of three claimants suffered.

The decision of the Superintendent was that claimants were given the benefit of the doubt, but warned in regard to their responsibility in carrying out instructions with relation to the proper handling of checks.

As the Superintendent gave them the benefit of the doubt and simply warned them, the Board understands no discipline was imposed, and as the record discloses claimants suffered no loss of compensation, the claim should 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 parties waived oral hearing thereon;

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 for the reasons stated in the Opinion, the claim will be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 16th day of October, 1946.