

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Edward F. Carter, Referee.

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD TRAINMEN

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: Request for reinstatement of Dining Car Steward, Mr. S. A. Zanone to his former position as Dining Car Steward, and claim for all time lost, account of being dismissed from the service on July 6th, 1946.

OPINION OF BOARD: The record shows that on June 11, 1946, S. A. Zanone was regularly assigned as Steward on Dining Car 1062, operating between Washington and Chicago. On arrival in Washington, a bar inventory revealed a shortage of \$2.10 and a shortage of \$1.85 in remittance for June 9, 1946, was also discovered. An average of \$7.28 was found in a check of the diner on the morning of June 11, 1946, but in the afternoon when he was relieved he was \$5.45 short. He already owed \$42.33 in accumulated shortages which he was unable to pay at the time of the check on June 11, 1946. It was also shown that he failed to properly issue guest receipts and to dispense intoxicating beverages in accordance with established rules. Zanone admits the foregoing and claims they were the result of mistakes and are not such as would warrant a dismissal from the service.

There is other evidence in the record bearing upon the seriousness of the offense. Zanone was employed as a Steward in August, 1944. Within three months, shortages began to appear and seem to have continued until his dismissal. In November 1944, he added up his revenue \$100.00 short. When the discrepancy was discovered, he admitted the error and after several demands, paid back the \$100.00 by installments. In December 1944, he was short \$15.00 on one Diner account. In September, 1944, he was short \$12.79 and \$14.72 on two bar accounts. These were made up by installment payments. Small discrepancies totaling \$30.11 accumulated during the summer and fall of 1945, which he paid. From February, 1946, until May, 1946, his shortages amount to \$42.33 which was paid after June 11, 1946, and before the notice of the investigation was served.

Zanone does not deny these continuing discrepancies. It is evident that he was continually using company money and juggling his records and accounts in violation of the rules. He had been repeatedly warned and every opportunity afforded him to correct the situation. He has failed to do so. The evidence shows that he is careless and untrustworthy. The Carrier so found and dismissed him from the service. The evidence is sufficient to sustain the action of the Carrier. Under such circumstances, it is not the province of this Board to disturb the order of dismissal imposed by the Carrier.

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

That both parties to this dispute waived hearing thereon;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1948.