

Award No. 4005

Docket No. DC-4127

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward F. Carter, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD TRAINMEN

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

STATEMENT OF CLAIM: Ex Parte submission of the Brotherhood of Railroad Trainmen in claim of Dining Car Steward J. F. Henderson, Southern District, that he be reimbursed in the amount (\$311.47) stolen from cash drawer of Diner No. 10256, December 13, 1943.

OPINION OF BOARD: Claimant was regularly assigned as a steward on trains operating between San Francisco and Los Angeles. While enroute and in service on December 13, 1943, Claimant alleged that his cash drawer was entered and \$311.47 of company funds stolen. Claimant made good the amount and the present claim is for its return.

Claimant says he locked the cash drawer containing the money and placed the key thereto in an upper locker. After checking pantry supplies in the other end of the car, he noticed the cash drawer partly open and the keys hanging from the lock. Investigation revealed that the money was missing. Claimant sent a wire asking that special agents board the train at Glendale. They were unable to do so. Upon arrival in Los Angeles, special agents came aboard but found no evidence of the stolen money.

Claimant was the custodian of the funds. A cash drawer with a Yale lock was provided. He failed to make proper use of the facilities furnished and as a result the funds were lost. It hardly requires mentioning that a cash drawer with adequate locks is of little value if the keys thereto are left laying around when anyone could make use of them. The fault was with the Claimant and not the Carrier. There is no basis for claim. Awards 1027, 2656.

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 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: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 27th day of July, 1948.