

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES

THE NEW YORK CENTRAL RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees, Local 351, on the property of New York Central System (Line West), for and in behalf of Joseph Copsey, second cook, to be returned to service as of January 7, 1948, with seniority rights accumulated and unbroken and with compensation for net wage loss suffered as a result of unjustified and unwarranted discipline imposed in violation of Rule 6 (a) of Current Agreement.

OPINION OF BOARD: The facts in this case are that following investigation concerning Second Cook Joseph Copsey's conduct on train 19, November 21, 1947, he was dismissed from service. Subsequently the action was appealed, at which time the Carrier offered to restore Copsey to service as of March 2, 1948, thus reducing the discipline from dismissal to 60 days suspension. This proposal was confirmed in letter to the General Chairman dated April 5, 1948. Copsey failed to report for service and on May 1, 1948, the Carrier withdrew its offer to modify the discipline. The case was not referred to this Division until May 11, 1949, over one year after Carrier's proposal to reinstate claimant.

The Board is of the opinion the conduct of claimant warranted discipline and finds no reason to interfere with Carrier's action. The claim should be denied.

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 employes 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 Carrier will not be interfered with.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. J. Tummon
Acting Secretary