

Award No. 5890

Docket No. CLX-5846

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David R. Douglass, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Claim of the District Committee of the Brotherhood that:

- (a) The agreement governing the hours of service and working conditions, between the Railway Express Agency, Incorporated and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees effective October 1, 1940, was violated at the Palestine, Texas agency in the treatment accorded Albert Arnold by dismissing him from service, effective February 23, 1948, following an alleged investigation held February 20, 1948;
- (b) He shall be returned to service with seniority unimpaired and compensated for salary loss sustained retroactive to and including February 23, 1948; and
- (c) Management shall be required to make available to employee representatives the daily payroll covering the Palestine, Texas, Agency operations for the purpose of showing the gross amount of Employee Arnold's salary loss in pursuance of his relative seniority level.

OPINION OF BOARD: Here the Claimant was charged with rule violation and was discharged from the service after having been given a proper hearing and rehearing. This Claimant was involved, along with the Claimant in Award 5889 this Board, in the alleged rule infraction. This Claimant was granted a separate hearing and rehearing, apart from the Claimant in Award 5889.

Our line of reasoning in this case is substantially the same as in Award 5889. Here, the evidence was such as to sustain the Carrier's action as to the determination of the guilt of the Claimant. Further, the discipline appears to have been reasonable and not excessive.

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 Employes 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 Agreement was not violated by the Carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 28th day of July, 1952.