

Award No. 6452
Docket No. DC-6228

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Dudley E. Whiting, Referee

PARTIES TO DISPUTE:

**JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 495
NORFOLK AND WESTERN RAILWAY COMPANY**

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 495, on the property of the Norfolk and Western Railway Company for and on behalf of Robert B. Bailey, Chef Cook, that he be returned to his assignment with seniority unimpaired and be compensated to the extent suffered in net wages lost since December 6, 1948, said dismissal being unwarranted and in abuse of discretion by Carrier.

OPINION OF BOARD: The record of the investigation discloses evidence which supports the charge that claimant absented himself from duty without authority of the steward. Under such circumstances and in consideration of the fact that more than three years elapsed between final declination of the claim on the property and submission thereof to this Board, the claim must be denied. See Award No. 4941.

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 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

The Agreement was not violated.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 19th day of January, 1954.