

Award No. 6936

Docket No. CL-6962

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

A. Langley Coffey, Referee

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

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

J. J. Curci, Commissary, Dining Car Service, Pennsylvania Station, New York City, New York, be returned to service with all rights unimpaired and compensated for all monetary loss sustained dating from July 8, 1952, until adjusted. (Docket G-139)

OPINION OF BOARD: Claimant was dismissed from service and appeals. Record reviewed.

On basis of record and oral argument by party representatives who appeared personally before the Board with the Referee sitting as a Member, it has been decided that Claimant did not have that fair and impartial trial to which entitled under the rules of Agreement.

The discipline imposed being without warrant or authority of the governing Agreement, same is held to be arbitrary and capricious and Claimant is entitled to the relief prayed.

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

That the Agreement was violated.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 29th day of March, 1955.