

Award No. 6939

Docket No. CL-7010

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:

Frank F. Lauria, Ticket Clerk, North Philadelphia Passenger Station, Philadelphia, Pennsylvania, Philadelphia Terminal Division, be returned to service with all rights unimpaired and compensated for all monetary loss sustained dating from November 2, 1950, until adjusted. (Docket E-812)

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 had a fair and impartial trial as provided by the Rules of Agreement.

Accordingly, no showing has been made of bad faith or that the imposition of discipline was otherwise arbitrary or capricious, and, therefore, Claimant is not entitled to the relief sought. Claim will 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 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 29th day of March, 1955.