

Award No. 6951
Docket No. DC-6835

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

A. Langley Coffey, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD TRAINMEN

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Request for reinstatement of Dining Car Steward J. C. Lakin, with seniority and vacation rights unimpaired, and with pay for time lost, account being discharged without proper cause, and investigation not conducted in conformity with Rule 31 of the current agreement.

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 hearing as provided by the Rules of Agreement.

Only because it turns out to be harmless error, on basis of the entire record, is the hearing officer's misconduct in interfering with the cross-examination of a witness disregarded.

Rules violation being evident, and there being nothing prejudicial in the record to show that the discipline was not in good faith, or that same was otherwise arbitrary or capricious, Claimant is not entitled to the relief sought.

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 Employee involved in this dispute are respectively Carrier and Employee 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.

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AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 12th day of April, 1955.