

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Thomas C. Begley, Referee

PARTIES TO DISPUTE:

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

THE UNION TERMINAL COMPANY (Dallas, Texas)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees that:

(1) The Carrier (The Union Terminal Company, Dallas, Texas) violated, and continues to violate, its several agreements with the Organization when on April 9, 1957, it dismissed and separated from its service Heywood Hunt, Red Cap, on the blanket charge that he had committed acts on or about March 27, 1957, that resulted in embarrassment to The Union Terminal Company; and,

(2) That prior to the investigation, the Carrier failed to state a precise charge against him related to and in connection with his employment with The Union Terminal Company; and,

(3) That by virtue of his employment with The Union Terminal Company, acts alleged to have been committed away from Carrier property and on his rest day could not of themselves come within the jurisdiction of The Union Terminal Company; and,

(4) That the Carrier, The Union Terminal Company, is not authorized by law to constitute itself as a private court to redress alleged public wrongs; and,

(5) That all of the acts and actions of the said The Union Terminal Company are in violation of the several agreements between that Carrier and this Organization; and,

(6) That because of the illegal and unlawful act of the Carrier in the premises, and in violation of the existing agreements, the said Heywood Hunt shall be reinstated to the service of the Carrier in the capacity of Red Cap, with his seniority and rights unimpaired; that

he shall be paid for all monetary losses suffered by him; and that he shall be accorded vacation and all other rights as though he had never been separated from the service of the said Carrier.

OPINION OF BOARD: Based upon the evidence of record in this claim the Board finds; that the claimant was given a fair and impartial investigation; that the claimant was guilty of moral turpitude; that the Carrier's action in dismissing claimant from its service was neither arbitrary or capricious or an abuse of sound discretion. Therefore, the discipline imposed on this claimant will not be disturbed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived hearing on this dispute;

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 record discloses no sound ground for holding the Carrier's disciplinary action was improper or should be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 14th day of January, 1960.