

Award No. 9399
Docket No. DC-11140

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin I. Rose, Referee

PARTIES TO DISPUTE:

**JOINT COUNCIL DINING CAR EMPLOYEES UNION
LOCAL 372**

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees Union Local 372 on the property of the Union Pacific Railroad Company, for and on behalf of Cook Eli Woods, Jr., that he be restored to Carrier's services with seniority and vacation rights unimpaired and with compensation for net wage loss account dismissal from service December 12, 1958, in violation of the agreement.

OPINION OF BOARD: Upon careful consideration we find that the contentions urged in support of this claim are without merit. Claimant's admission that he served coffee on the night of December 8, 1958 without issuing any meal check clearly establishes violation of Carrier's Rule 700(a).

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.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois this 11th day of May, 1960.