

Award No. 9816
Docket No. DC-9342

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Donald F. McMahon, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 385

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim of JOINT COUNCIL DINING CAR EMPLOYEES UNION LOCAL 385 on the property of the CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, for and on behalf of W. G. LAWS that he be compensated for net wage loss account discipline imposed on charges alleged against him as No. 7 waiter assigned Train 107, November 28, 1955; account said discipline imposed in violation of agreement and in abuse of Carrier's discretion.

OPINION OF BOARD: From a review of the record before us, the same question as here involved, was determined by the Board in Award 9815.

Such Award is applicable here; for reasons stated in said Award, the claim here must be dismissed.

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 claim is barred under the applicable Agreement.

AWARD

Claim dismissed.

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

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

Dated at Chicago, Illinois this 8th day of February, 1961.