

Award No. 10038

Docket No. MS-12330

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

HENRY J. HINES

THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY (Dining Car Department)

AND

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 351

STATEMENT OF CLAIM: "I, Henry J. Hines, employe of carrier, seek restoration of my seniority date of August 1, 1941, with all rights unimpaired and loss of wages from January 2, 1960, to such time as I am reinstated and restored to duty on a permanent basis."

OPINION OF BOARD: This case grows out of Claimant's failure to keep up his dues as required by the Union Shop Agreement. The record establishes that he was removed from service in compliance with that Agreement.

In disposing of a similar situation we said in Award 9125:

"* * * The Carrier was not obligated to reinstate him after dismissal, even though he attempted to make payment to the Organization. * * *"

The request for restoration to the service is without merit and will be denied.

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

That the parties waived oral hearing;

That the Carrier, Organization and Employee involved in this dispute are respectively Carrier, Organization 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 disposed of in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of August 1961.