

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

William H. Coburn, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD TRAINMEN

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

STATEMENT OF CLAIM: Request for the reinstatement with pay for all time held out of service, October 12, 1962, and all subsequent dates, as well as vacation allowances that would accrue, at the established dining car stewards' rate of pay, in behalf of former Dining Car Steward Mr. A. W. Easton, who was arbitrarily dismissed from the services of the Carrier.

OPINION OF BOARD: On October 12, 1962, Claimant was dismissed from service after a hearing was held on October 5 on the following charges:

"1. For failure to see that service was provided in your car arriving at Chicago, September 7, in accordance with Carrier's instructions.

2. For failure to see that your crew remained in proper uniform so that service could be provided in your car prior to arrival in Chicago September 7.

3. For failure to properly head guest checks used by you in serving dinner on Train 2/104 Thursday, September 6, in accordance with Carrier's instructions.

4. It is further charged that you failed to properly head guest checks used by you September 6, after receipt of specific instructions given you July 31, by letter, and on August 23, orally.

5. It is also charged that your failure to comply with Carrier's instructions on these two occasions is a continuation of your disregard for instructions of the Carrier.

6. For failure to prepare crew checks for meals served your crew, in accordance with instructions.

7. For failure to prepare bar menu card to cover bar sales in the state of Wyoming September 6, in accordance with instructions and the Carrier's recent request that you do so."

A thorough examination of the evidence of record, including the transcript of the hearing, makes it clear that none of Claimant's procedural or substantive rights under the Agreement were prejudiced or abrogated; that there was uncontroverted and substantial evidence of probative value to support a finding of guilt; that the discipline imposed was not excessive under the facts of record and in the light of Claimant's previous record.

That this Board will not disturb disciplinary action when all of the foregoing standards and criteria have been met is too well established to require citation of authority.

Accordingly, this claim 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 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 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 27th day of February 1964.