

Award No. 12399

Docket No. MS-12612

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Benjamin H. Wolfe, Referee

PARTIES TO DISPUTE:

**EMPLOYEES LIVING IN MINNEAPOLIS, MINNESOTA AND OF
JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 849**

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Employees living in Minneapolis, Minnesota, and of Joint Council Dining Car Employees Union, Local 849, on the property of the Chicago, Rock Island and Pacific Railroad Company and their authorized Representative of Joint Council Dining Car Employees Union, 743 East 75th Street, Chicago 19, Illinois, and on behalf of the employees living in Minneapolis, Minnesota. Because of discrimination and violation of agreement, not allowing employees deadhead time and expenses for food and lodging while away from their home terminal. Also forcing employees to deadhead away from the home terminal. And refusing a request for conference to adjust this situation. Claim of Employees living in Minneapolis, Minnesota. Letter dated May 29, 1961.

OPINION OF BOARD: There is no dispute between the Carrier and the duly certified Organization. Discussions between them resulted in the settlement of the dispute on the property, acceptable to both parties. This matter is before the Board because the Claimant does not subscribe to and seeks to overturn the action taken by C. L. Patrick, International Chairman of the Organization and Vice-President Mallery, the highest officer of the Carrier.

On the facts in the record there is no reason to upset the Agreement reached between the parties. Accordingly, the Petitioner's claim herein is without merit.

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 10th day of April 1964.