

Award No. 13396  
Docket No. DC-14786

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**Kieran P. O'Gallagher, Referee**

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 582**

**SOUTHERN PACIFIC COMPANY (PACIFIC LINES)**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees Local 582 on the property of the Southern Pacific Company, for and on behalf of Arthur B. Theriot, All Day Lunch Car Attendant, that he be restored to service with seniority and vacation rights unimpaired account of Carrier dismissing Claimant from service on January 16, 1962, in abuse of its discretion and in violation of the Agreement.

**OPINION OF BOARD:** In this discipline case Claimant Arthur B. Theriot is charged with violation of the rules of the Carrier while assigned and working as Attendant on Hamburger Grill Car 10409, Train No. 1, December 30, 1961.

The charges arise out of the observations and reports of two inspectors from the Carrier's police department who boarded the train at El Paso and made the entire trip to Los Angeles to observe the service available to passengers, and to note the actions of the attendants insofar as the performance of their duties was concerned. As a result of the reports of the two inspectors, the Claimant was dismissed from the service of the Carrier on January 16, 1962, and a hearing on the matter was held on February 1, 1962.

The reports of the inspectors were supported by their testimony, and by other testimony adduced at the hearing on February 1, 1962, and we have concluded that Claimant had a fair trial.

We can find no evidence of error in the record, and we must find the Carrier was justified in discharging the Claimant. In the circumstances found, the claim must 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 26th day of February 1965.