

Award No. 15369
Docket No. DC-16295

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES, LOCAL 495
SEABOARD AIR LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees Local 495 on the property of the Seaboard Air Line Railroad Company, for and on behalf of John E. Parham that he be restored to service and compensated for net wage loss with seniority and vacation rights unimpaired account of Carrier dismissing Claimant from service on June 14, 1965, in violation of the Agreement between the parties and in abuse of its discretion.

OPINION OF BOARD: Argument in behalf of the Claimant here that he did not receive a fair and impartial hearing must fall in the light of the following from the record:

1. The evidence of the incident itself.
2. Organization's statement that if witnesses be excluded from the hearing room when not testifying to avoid collaboration "we will be on the road to having a fair trial." Request was granted.
3. General Chairman's admission that the manner in which the presiding officer conducted the investigation" has been, in my opinion, fair and impartial."
4. Argument in behalf of the Carrier that there was nothing to prohibit the joint investigation; that there were prior instances involving these same parties; also Second Division Award 4401 where one investigation was held involving a mechanical foreman, carman, engineer and fireman. Carrier also cited Award 4716 on this point.

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 17th day of February 1967.