

Award No. 17012

Docket No. DC-17681

NATIONAL RAILROAD ADJUSTMENT BOARD**THIRD DIVISION**

John B. Criswell, Referee

PARTIES TO DISPUTE:**JOINT COUNCIL DINING CAR EMPLOYEES****THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY**
(Dining Car Department)

STATEMENT OF CLAIM: Claim of Joint Council Dining Car Employees Local 351 on the property of the Atchison, Topeka & Santa Fe Railway, for and on behalf of Barman Charles Ford that he be returned to service and compensated for net wage loss with seniority and vacation rights unimpaired account of carrier suspending claimant from service on July 15, 1967, and dismissing claimant from service on July 28, 1967, in violation of the Agreement and in abuse of its discretion.

OPINION OF BOARD: This is a discipline case. Claimant was withheld from service July 15, 1967, for alleged rule violations in the handling of retail liquor sales.

After reviewing the record, and particularly the transcript of the investigation we find that Carrier's discipline was excessive to the degree that Claimant should be returned to service with seniority and vacation rights unimpaired but without compensation for time lost.

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

Claimant should be reinstated with seniority rights unimpaired but without back pay.

AWARD

Claim sustained to the extent indicated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 25th day of March 1969.
Keenan Printing Co., Chicago, Ill.

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