

Award No. 3707
Docket No. DC-3670

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Joseph L. Miller, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES

ATLANTIC COAST LINE RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 495, on the property of the Atlantic Coast Line Railroad Company, for and in behalf of Waiter C. Jones for compensation to the extent he has suffered and to have his record cleared of discipline imposed by a ten (10) day actual suspension, and the charge of "conduct unbecoming a dining car employe."

OPINION OF BOARD: The sole question before us in this case is whether the Carrier violated Rule 2 of the Agreement in disciplining Waiter C. Jones. Even more specifically, the question is whether Jones was "apprised of the precise charge against him" "at a reasonable time prior to the hearing." (Emphasis added.)

We do not believe Jones was so apprised. He was advised that he was "charged with conduct unbecoming to a dining car employe on diner Casa Marina, Train 7, January 20, 1946."

"Conduct unbecoming" this or that is one of the most loose and general charges that can ever be made anywhere. It can be—and is—used to cover a multitude of sins or a single peccadillo. It is poles apart from a "precise charge."

We, therefore, will find that the Carrier violated the Agreement and sustain the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

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 violated by the Carrier.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois, this 5th day of November, 1947.