

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES

**THE BOSTON AND ALBANY RAILROAD
(The New York Central Railroad Company, Lessee)**

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 370, on the property of the Boston and Albany Railroad (New York Central Railroad System Lessee) for and in behalf of Chester Robinson, M. Mathis, A. G. Burke, C. H. Hodge, V. H. Farrara, D. K. William and Carl E. Pilgrim, and all other employees similarly situated, for compensation to the extent they have suffered including commissions under Rule 2 (b) of the current agreement and to be permitted to continue to enjoy all rights and benefits accruing to them from the terms and provisions of the current agreement, particularly Rule 4 thereof.

EMPLOYEES' STATEMENT OF FACTS: There is in evidence an agreement dated December 23, 1941 between this Carrier and its Dining Car Employees copies of which are on file with your Board. The named claimants herein involved are waiters in the service of Carrier's Dining Car Service. Their seniority dates are as follows:

Carl E. Pilgrim	6/ 7/45
Chester Robinson	9/13/45
M. Mathis	2/17/45
A. G. Burke	7/23/45
C. H. Hodge	6/13/45
V. H. Farrara	10/ 9/44
D. K. William	4/17/46

Under date of February 15, 1947, the Carrier addressed each of the above named claimants as follows:

"Dear Sir:

Section 34, Chapter 138, General Laws of the Commonwealth of Massachusetts, prohibits the employment of 'any person under twenty-one years of age in the direct handling or selling of alcoholic beverages or alcohol.'

You are hereby notified, in accordance with the provisions of agreement between this company and its employees represented by Local 370, Hotel and Restaurant Employees' International Alliance, to report at my office at 10:00 A. M., Thursday, February 20th, for hearing of the following matter:

1—That you have not yet attained the age of 21 years—

OPINION OF BOARD: There is no dispute as to the facts in this case. The parties are agreed that the employes were withheld from service on account of the provisions of the Massachusetts Liquor Law. The employes are permitted to return to service in the capacity of waiters with full seniority as fast as they reach the age of twenty-one. Under the facts and circumstances of this particular case, the claim should be denied.

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 Employes involved in this dispute are respectively carrier and employes 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 under the facts and circumstances of this particular case, the claim will be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 7th day of April, 1948.