

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYES, LOCAL 370

ERIE RAILROAD COMPANY

**STATEMENT OF CLAIM:** *Claim of the Joint Council Dining Car Employees, Local 370 on the property of the Erie Railroad Company, for and in behalf of Mr. Philip Catlet, Alonzo Oliver, Eugene Mitchell, A. C. Harris, Madison M. Davis, A. C. Simmons, Samuel Green, Thomas Allen, Alex Booker, Joseph T. Roach, Clifford Grant, Sr., John Dudley, and other employees similarly situated, that the Carrier has violated and continues to violate the current agreement, particularly Rule 8 thereof by discharging these employees upon highly prejudicial statements which formed no part of an investigation and which the claimants had no opportunity to refute or explain and—*

*(a) that the Carrier shall now reinstate said claimants with full seniority rights accumulated and unbroken, and—*

*(b) that each claimant shall be compensated to the full extent suffered retroactive to the date Carrier notified them of their discharge.*

**OPINION OF BOARD:** The record shows the claims of Allen and Booker were withdrawn by the Organization. The other claimants, all regularly assigned as waiters or waiters-in-charge, failed to report for their regular assignments on various dates in August 1945.

Claimants were accorded investigations in accordance with the provisions of the Agreement, following which they were dismissed from service.

The evidence of record discloses no grounds for disturbing the action of the Carrier.

**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

The evidence of record discloses no grounds for disturbing the action of the Carrier.

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 June, 1948.