

Award No. 4727  
Docket No. DC-4908

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYES**

**CHICAGO AND NORTH WESTERN RAILWAY COMPANY**

**STATEMENT OF CLAIM:** Claim of Joint Council Dining Car Employees, Local 351, on the property of Chicago & Northwestern Railway Company, for and in behalf of Elbert T. Bey, waiter, to be returned to service as of April 29, 1947 with seniority rights accumulated and unbroken and with compensation for net wage loss suffered as a result of unjustified and unwarranted dismissal from service imposed in violation of Rule 28 (a) of the Current Agreement and in abuse of Carrier's discretion.

**OPINION OF BOARD:** 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

That 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: A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 17th day of February, 1950.