

Award No. 5609  
Docket No. DC-5404

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

---

**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES, 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. Otis Butler, waiter, that he be returned to his former position and be compensated for all loss of wages, retroactive to September 15, 1949, as a result of unjust and unwarranted removal from service in violation of current agreement and in abuse of Carrier's discretion.

**OPINION OF BOARD:** The record does not disclose a violation of the agreement or abuse of discretion on the part of the Carrier as charged.

**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 action of the Carrier will not be disturbed.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 14th day of January, 1952.