

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES  
LOCAL 370**

**THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD  
COMPANY**

**STATEMENT OF CLAIM:** Claim of the Joint Council Dining Car Employees' Local 370 on the property of the New York, New Haven & Hartford Railroad Company for and on behalf of Sidney Jarvis, waiter, that he shall be restored to service with all rights unimpaired and compensated for wage loss as a result of Carrier's action in dismissing claimant from the service in violation of existing agreement.

**OPINION OF BOARD:** This is a discipline case. The record shows that there are extenuating and mitigating circumstances on the basis of which the claim herein should be disposed of by restoring Claimant to service, with seniority and other rights unimpaired but without credit or allowance for vacations covering period out of service subsequent to February 9, 1954, and by reimbursing him for net wage loss during the period from January 23, 1954 to February 9, 1954, both inclusive, less earnings in other employment or unemployment insurance benefits during the latter period. Claim for wage loss subsequent to February 9, 1954, is 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 Employee involved in this dispute are respectively Carrier and Employee 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

Claim will be disposed of in accordance with Opinion.

**AWARD**

Claim disposed of in accordance with Opinion and Findings.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION**

**ATTEST: A. Ivan Tummon**  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of February, 1957.