

Award No. 11789
Docket No. DC-11002

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES LOCAL 370

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

STATEMENT OF CLAIM: Time claim of Joint Council Dining Car Employees, Local 370 on the property of New York, New Haven, & Hartford Railroad Company, for and on behalf of Cooks M. Parker, B. Josephs and Waiters A. Bolt, J. Hodges, E. T. Washington, and others similarly situated, assigned to Trains 188 and 189, from time released at New Haven, a turn around point for the above trains, until scheduled to report the following day, continuously from commencement of a violation until confronting agreement complied with by Carrier.

EMPLOYEES' STATEMENT OF FACTS: On June 17, 1958, the instant claim was submitted to Carrier's Manager Dining Service by Organization's General Chairman (Employees' Exhibit A).

On July 18, 1958, the Carrier's Manager Dining and Parlor Cars, declined the claim (Employees' Exhibit B).

Under date of July 25, 1958, Organization appealed denial of the claim to Carrier's Assistant Vice President Personnel, the highest designated officer on the property to consider such appeals (Employees' Exhibit C).

Under date of August 22, 1958, the instant claim was denied on appeal (Employees' Exhibit D).

The trains concerned in the instant docket, 188 and 189, operate daily between Boston and New York. The dining car operates daily between Boston and New York. The dining car operates between Boston and New Haven. Prior to the filing of the instant claim, Carrier detached dining car at New Haven instead of continuing that equipment on to New York and unilaterally declared the turn around point at New Haven as a home terminal.

Carrier has established the past practice of providing sleeping quarters at turn around points whether or not Carrier has unilaterally posted them as home terminals. Such sleeping quarters have been established at Hyannis, Wood's Hole and Springfield, Massachusetts. In conference on this claim on the property and on prior claims, Carrier's Manager of Dining Service has stated to Organization that the reason Carrier has unilaterally declared New

There has been no violation of the agreement. Carrier submits the claim is without merit and should be denied.

All of the facts and arguments used in this case have been affirmatively presented to employees' representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: The pivotal issue is whether Carrier violated the Agreement in designating New Haven, Connecticut, as the home terminal of dining car crews assigned to train NH 188 and NH 189. This precise issue was resolved in Award No. 11254. See and compare Awards Nos. 10201 and 11596.

We find that Award No. 11254 is controlling precedent. Here as in that Award we will deny the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1963.