

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**JOINT COUNCIL DINING CAR EMPLOYES REPRESENTING
DINING CAR COOKS, WAITERS-IN-CHARGE,
PANTRYMEN & WAITERS**

**BOSTON AND ALBANY RAILROAD COMPANY
(NEW YORK CENTRAL LINES)**

STATEMENT OF CLAIM: "Claim of the Joint Council of Dining Car Employees, for aid in behalf of Victor Silver for compensation retroactive to February 2, 1940, when carrier removed the Dining Service work on trains 7 and 40 from the jurisdiction of the Dining Car Cooks, Waiters-in-charge, Pantrymen and Waiters agreement, and that all employes resultantly displaced by reason of the improper removal of the Dining Service work from the Dining Car Cooks, Waiters-in-charge, Pantrymen and Waiters agreement be compensated retroactively to the date of displacement for any loss in wages they may have suffered by reason of such removal of work from the jurisdiction of the agreement."

OPINION OF BOARD: The statements of the parties are so conflicting that the Board finds it impossible to render a decision. Therefore, the case should be remanded.

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 employe involved in this dispute are respectively carrier and employe 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 case will be remanded.

AWARD

Case remanded.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 13th day of January, 1941.