

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYES (370)**

**NEW YORK CENTRAL SYSTEM**

**STATEMENT OF CLAIM:** "The question herein involved is the unwarranted dismissal from the service (New York Central System, Dining Car Department) of Daniel Haynie, 2nd cook, for alleged insubordination to Chef Moore on Train '267,' DC 661 on December 21, 1939. Petitioner herewith claims compensation for time lost from December 28, 1939."

**STATEMENT OF FACTS:** Daniel Haynie, employed as second cook, was removed from the service on December 28, 1939 on the charge of insubordination. He was given hearing by Superintendent Dining Service, following which the case was handled on appeal in accord with the provisions of the agreement.

**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 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

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:** H. A. Johnson  
Secretary

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