

Award No. 1423  
Docket No. DC-1312

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYES**

**NEW YORK CENTRAL RAILROAD**

**STATEMENT OF CLAIM:** "1. Claim of the Joint Council of Dining Car Employes for and in behalf of waiter H. L. Jeffries, to be permitted to exercise his seniority rights over any junior waiter on trains 50 and 51, and compensation retroactive to February 8, 1940, to the extent he has suffered.

"2. That carrier is violating the Dining Car, cooks, waiters-in-charge, pantry-men, waiters, upstairs waiters, lounge waiters and bartenders agreement when it refuses to advertise vacant positions in excess of 30 days duration as provided in the Dining Car cooks, waiters-in-charge, pantry-men, waiters, upstairs waiters, lounge waiters and bartenders agreement."

**FINDINGS:** The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That hearing thereon has been held and concluded. Under dates of April 9th and May 12th, 1941, the Employes and the Carrier, respectively, advised the Secretary of the Third Division of their desire to withdraw this case from further consideration by the Division, which request is hereby granted.

**AWARD**

Case dismissed.

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

**ATTEST:** H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 15th day of May, 1941.