

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**JOINT COUNCIL DINING CAR EMPLOYEES**

**CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Joint Council Dining Car Employees Local 849 for and on behalf of Don Butler, waiter-in-charge, for the Chicago, Rock Island & Pacific Railroad Company, that Don Butler be restored to the position he formerly held as waiter-in-charge; that seniority and vacation rights be restored and he be compensated for all time loss as a consequence of his dismissal by the carrier on or about February 24, 1954.

**OPINION OF BOARD:** In view of the facts and circumstances in this particular case, Claimant Don Butler should be restored to service promptly with seniority and vacation rights unimpaired, but without pay for wages and vacation days lost, if any, prior to restoration.

**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 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 Claimant Butler shall be restored to service in conformity with Opinion.

**AWARD**

Claim sustained to extent stated in Opinion and Findings; in all other respects denied.

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

**ATTEST:** (Sgd.) A. Ivan Tummon  
Secretary

Dated at Chicago, Illinois, this 6th day of February, 1956.