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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6462  
Docket No. 6315  
2-KCS-CM-'73

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute:

( System Federation No. 3, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( The Kansas City Southern Railway Company

Dispute: Claim of Employees:

- (1) That under the current agreement, Car Painters A. G. Tims, J. M. Gallagher, R. T. Cleffman, and Carmen Apprentices W. R. Riley, R. D. Goodman, R. E. Lavery, and J. M. Rodgers were improperly denied their right to work on their respective regular positions on May 19, 1971.
- (2) That the Carrier be ordered to pay each of the above named Claimants one day's pay.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The claim as presented by the Organization is based upon an interpretation of a Joint Resolution of Congress, signed into law by President Nixon, and the alleged violation thereof. The claim as presented on the property was that Painters A. G. Tims, J. M. Gallagher, R. F. Cleffman and Carmen Apprentices W. R. Riley, R. D. Goodman, R. E. Lavery and J. M. Rodgers are entitled to eight (8) hours pay at their pro rate rate for May 19, 1971, due to SJ Resolution U. S. law passed by Congressional Legislation May 18, 1971, prohibiting the further striking by the Brotherhood of Railway Signalmen and lockouts by the carriers until October 1, 1971.

This Board is not empowered to interpret the laws of Congress. That is a function of the Courts or other designated tribunal. We have no discretion in the matter nor may we advise the parties on the course to be pursued to obtain the desired interpretation. The parties shall not, however, be prejudiced and their rights shall not be disturbed by our inability to act in this matter. Denial of relief herein shall, therefore, be without prejudice.

A W A R D

Claim denied in accordance with findings.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

E. A. Killian  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February, 1973.