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NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6543
Docket No. 6405-I
2-C&O-I-'73

The Second Division consisted of the regular members and in addition Referee Edmund W. Schedler, Jr. when award was rendered.

Parties to Dispute:

C. V. Stith, Petitioner

Chesapeake & Ohio Railway Company

Dispute: Claim of Employees:

The question involved is whether C. V. Stith, by reason of the abolishment of his job as a carman painter on October 5, 1971 by the Chesapeake and Ohio Railway Company, is entitled to a monthly coordination allowance equivalent to 60% of his average monthly compensation during the last twelve months of his employment pursuant to the provisions of Section 2, Article I--Employee Protection Agreement of September 25, 1964, Shop Crafts Agreement Supplement 2 and Section 7 (a) & (c) of the Washington Job Protection Agreement of May, 1936.

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 were given due notice of hearing thereon.

Petitioner is seeking a monthly coordination allowance equivalent to 60% of his average monthly compensation during the last 12 months of his employment under Article I of the Shop Crafts September 25, 1964 Agreement because his position was abolished. Article VI, Sections 1 and 8 of that Agreement establish a Shop Craft Special Board of Adjustment with exclusive jurisdiction over disputes arising out of Article I and II of that Agreement.

Article VI, 1 and 8 of the Agreement read:

"Section 1 - Establishment of Shop Craft

Special Board of Adjustment -

In accordance with the provisions of the Railway Labor Act,

as amended, a Shop Craft Special Board of Adjustment, hereinafter referred to as "Board", is hereby established for the purposes of adjusting and deciding disputes which may arise under Article I, Employee Protection, and Article II, Subcontracting, of this agreement."

The parties agree that such disputes are not subject to Section 3, Second, of the Railway Labor Act, as amended.

"Section 8 - Jurisdiction of the Board

The Board shall have exclusive jurisdiction over disputes between the parties growing out of grievances concerning the interpretation or application of Article I, Employee Protection, and Article II - Subcontracting.

Petitioner's claim is based upon an alleged violation of the September 25, 1964 Agreement, therefore an interpretation of the provisions of that Agreement is required. The above written Section 8 provides that the Board shall have "exclusive" jurisdiction; therefore Petitioner is in the wrong forum. Only the Shop Craft Special Board of Adjustment has jurisdiction to adjudicate Petitioner's claim, and this Division is without authority to consider the merits of the dispute.

The findings of this Division shall not be construed or interpreted as being prejudicial to any rights that Petitioner may institute, progress or appeal to another tribunal having original or appellate jurisdiction, nor is the carrier's right to defend prejudiced by its appearance before this Division.

A W A R D

The claim is dismissed without prejudice for want of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:

E. A. Kellison
Executive Secretary

Dated at Chicago, Illinois this 28th day of June, 1973.