

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 7059
Docket No. 6678-T
2-SLSF-SMW-'76

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (Sheet Metal Workers' International Association
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(St. Louis-San Francisco Railway Company

Dispute: Claim of Employees:

1. That the St. Louis-San Francisco Railway Company violated the controlling agreement, particularly Rule 94 at Springfield, Missouri on September 11, 12, 13, 14, 15, 18, 1972, when they assigned Carmen the duties of cutting, fitting, welding, grinding and installing materials in the building of storage cabinets, fuel oil tank, barrel brace bracket, and barrel rack at Consolidated Shop, Springfield, Missouri.
2. That accordingly the St. Louis-San Francisco Railway Company be ordered to compensate Sheet Metal Workers H. Hanes and B. Payne sixty-one (61) hours at the pro rata rate of pay for such violation to be equally divided.

Findings:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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.

This Board is again presented with a jurisdictional dispute involving contentions of two crafts that each is entitled the exclusive right to perform the work herein.

Again the Board finds that there has been either failure or refusal to utilize the inter-organizational recourse provided under Rule 51.

As we have stated many times before, this Board has no jurisdiction to consider such disputes unless and until the remedies available under Rule 51 have been exhausted. Second Division Awards No. 6759, 6763 and 6864.

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A W A R D

Claim dismissed for lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 21st day of May, 1976.