

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

Parties to Dispute: (Mr. Edward Anthony, et al.
(Illinois Central Gulf Railroad

Dispute: Claim of Employees:

For failure to recall 22 employees from furlough before the company hired other employees between 1957-1963, we request compensation for funds lost and rights violated.

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 employes 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.

The instant claim was filed by twenty-two individuals who were employed by the Carrier at its Johnston Car Shop located in Memphis, Tenn. All twenty-two Claimants were furloughed from their positions in October, 1957. They were not recalled until 1963. They all immediately returned to service when they were recalled. Between 1957 and 1963, the Carrier hired new employes who performed duties similar to those performed by the Claimants. The newly hired employes finished their apprenticeship program before the Claimants. Consequently, they acquired greater seniority than the Claimants although the Claimants were hired before them.

The Claimants contend in their submission and in their appearance before the Board, that since they were not recalled to service when positions became available they were denied seniority rights; promotional opportunities; retirement and vacation benefits. Indeed, because of their unjust treatment some of the Claimants are not yet eligible to retire. The Claimants want this Division to redress the injustice they experienced as a result of their protracted and unjustified furloughs.

It is clear that they have not progressed the instant claim in the usual manner on the property up to and including the Chief Operating Officer designated to handle disputes of this nature. Consequently, the Claimants have obviously failed to comply with Section 3, First (i), of the Railway Labor Act in appealing their claim to this Division. Moreover, no conference was ever held on the property in an attempt to resolve their complaint. Again, this is required by the Railway Labor Act.

Inasmuch as this claim was not handled in the manner prescribed by the Railway Labor Act this Division has no alternative but to dismiss it since we lack jurisdiction to address the Claimant's contentions regardless how meritorious they may be.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 8th day of May 1985.