

The Second Division consisted of the regular members and in addition Referee Lamont E. Stallworth when award was rendered.

Parties to Dispute: (Keith B. Wallace
(Seaboard Coast Line Railroad Company

Dispute: Claim of Employees:

1. That machinist, K. B. Wallace, has been unjustly denied his seniority rights.
2. That the machinist seniority roster was predetermined before actual apprenticeship hours had been served by the involved parties.
3. That accordingly the carrier be ordered to:
 - A) Restore the aforesaid machinist's seniority rights unimpaired and grant him all rights accruing to him by virtue of his seniority, made whole.
 - B) Compensate said machinist for the expenses accrued in the pursuit of this claim, made whole.
 - C) Compensate said machinist for all time lost, including regular and overtime compensation he would have earned as well as vacation compensation he would have received if not denied his seniority rights, made whole.

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 waived right of appearance at hearing thereon.

The instant case involves a complicated dispute over the Claimant's correct position on the Seniority Roster governing promotion to the position of machinist at the Carrier's Atlanta location. Briefly, Claimant contends that promotion to the machinist position should be governed only by the date on which an employee completes his required number of hours as an apprentice. At the time this claim was filed the Carrier and the relevant Labor Organization had agreed to a seniority list which would have promoted several employees ahead of the Claimant, regardless of which employee completed his apprenticeship first.

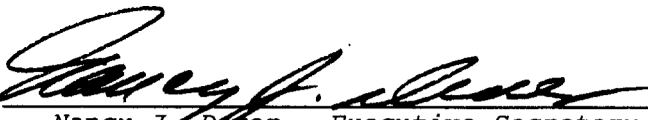
A major procedural defect with this petition prevents the Board from reaching the merits of this dispute. In all of his earlier negotiations with the Carrier, the Claimant sought only the correction of his position on the Seniority Roster. In the petition before the Board, for the first time, Claimant now seeks compensation, including overtime and vacation compensation, which he allegedly would have received if not denied his seniority rights. Claimant also seeks expenses accrued in the pursuit of this claim. These claims are different than those handled on the property. Therefore this petition is not in compliance with Circular No. 1 of the National Railroad Adjustment Board because these claims have not been presented to the Carrier through the normal grievance procedure before being brought before the Board. Accordingly, the claims must be denied.

A W A R D

Claims denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 4th day of December 1985.