

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(Odell White
Parties to Dispute: (
(Consolidated Rail Corporation

Dispute: Claim of Employes:

I am writing you in reference to my case in South Amboy, N.J. Engine House, with the International Brotherhood of Firemen and Oilers Union Local No. 1217 Penn Central Conrail. In 1968 there was four (4) laborers on the job, three (3) laborers went out and that left one (1) laborer. Mr. Trafman was the Supervisor of the Shop, I was the one (1) laborer that was left in the shop, so I covered all three (3) jobs. Mr. Trafman refuse (sic) to pay me. He had my name and ronson no. taken off the board. I wrote the Union several times about this, they refused me. I made trips to the retirement board trying to get help, they refused me too. I covered the job five (5) years for Mr. Trafman, my pay remained the same. Mr. Hilderbrand took office in 1972, I also asked him to pay me for covering the jobs, he refused to pay me also, I also told Mr. Hilderbrand I would have to take a temporary lay off because I was not getting paid for covering the jobs. Mr. Hilderbrand was paying pipe fitters, Electricians and machinist for Labor work. They both did the same thing making me sign work reports. I refused to sign those reports, it was not my job. He called me in the office and told me not to report on company's property; I would not be getting paid, he refused to readvertise the jobs on the board, also refused to contact the Union. He gave me a slip saying I refused to sign offwork (sic) reports, I was out of week (sic) one week before I got up with my union rep. When I saw him, we went to the company's trial in N.Y. As far as the job's concern I had no right to go to a trial, I was out of work fifteen months, Mr. Hilderbrand did not give me a lay off slip. I asked him how was I going to draw unemployment, he said "tell them to call me." I go down to the Railroad Retirement Board they told me to come back in a couple of days, when I returned back to the office, they told me I didn't need a lay off slip. I was out of work fifteen months. In 1973 Aug., I went to Washington, to the Brotherhood of Firemen and Oilers, I spoke to the Union, they refused me. The months that I was laid off was from Oct. 1971 to Jan. 1973, I went back to work in Jan. 1973. Mr. John Kopton informed me that I had to sign off work reports for him also, and he refused to pay me. Mr. Duffy refused to pay me, when Conrail took over my name and my ronson no. went back on the board, I wrote President of Conrail about what happened, he also referred me to my congressman. I also wrote Mr. Macknamara, he never answered me. October 1977, Mr. Macknamara employed three more laborers in the shop and they are doing the exact same things as one (1) laborer was doing from 1968 until 1977 as it stands now Railroad Retirement Board and also the Union has no jurisdiction over me. I am sending my retirement cards to Washington (Congress), because I have proved it to the Governor and I am entitled to get credit on these cards for working. I also mailed my income tax form to Governor Byrne, he admitted that the cards were wrong, if I did not get paid for the work that I had performed. As it stands now, it is a federal case like the Governor said. Hoping to hear from you as soon as possible.

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.

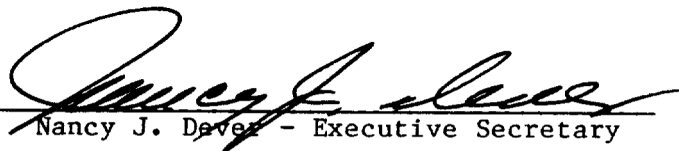
The Claimant is a long time employe of the Carrier assigned as a laborer to the South Amboy Engine House. He appeared before the Board for oral argument. Apparently, the genesis of this claim goes back to a period of time preceding October, 1971. The Claimant has for years attempted to rectify what he strongly believes was improper Carrier action. The record shows the Claimant was dismissed from service on October 25, 1971, after a trial in absentia. The Claimant was reinstated on a leniency basis in January, 1973. This case was identified on the property as IBF&O, Case 35/71A. The Carrier's records show the December 28, 1972, decision of the Director of Labor Relations reinstating the Claimant with seniority, but without backpay was never appealed. Clearly, the present case has no basis to be before this Board and must be denied in its entirety.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 16th day of April 1986.