

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11065
Docket No. 10874-I-T
2-UP-I-T-F&O-'86

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

(Leonard L. Alfano
Parties to Dispute: (
(Union Pacific Railroad Company

Dispute: Claim of Employees:

Can the Union Pacific Railroad at the Cheyenne Repair Track use "Coach Cleaner" to clean the offices, locker-room, and Repair shop, when this work has always been contracted and done by the "Firemen and Oilers" craft in the past?

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.

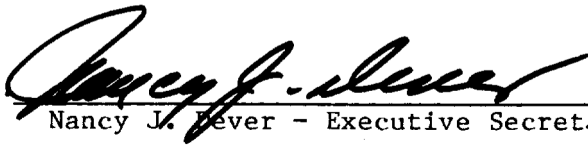
This Board has thoroughly reviewed the case at bar and notes that it is procedurally defective denying the Board jurisdiction to consider the merits of the case. Under Section 3, First (i) of the Railway Labor Act and the Rules of the Agreement, this Claim has not been presented to this Board after proper handling on the property. Specifically, the Claim was not appealed to the appropriate Officers within the time provisions of the Agreement and with an appropriate conference held on the property. Because it was not "handled in the usual manner," this Board lacks jurisdiction to move from the procedural to the substantive issues of the case. This Board does not have the authority to consider Claims where the Petitioner has failed to handle the Claim on the property in accordance with the provisions of the Railway Labor Act and the collectively bargained grievance procedures of the Agreement. As such, by long established and consistent past rulings of the National Railroad Adjustment Board, this Claim is barred (Second Division Awards 10421, 9090, 9023, 7490).

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 12th day of November 1986.