

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 11526
Docket No. 11348-I
88-2-86-2-159

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Robert E. Gilroy
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

The dispute involves my seniority remaining at a closed out point in violation of Implementing Agreements. Thus, putting me in a worse position concerning my employment, wages, benefits and pension. I want all of my seniority, plus the rights and privileges it entitles me to.

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.

In September 1945, Claimant became employed by the former New York Central ("NYC") in Bellefontaine, Ohio; after he was furloughed in February 1961, Claimant took another position with the former NYC in Cleveland, Ohio. In August 1976, Claimant voluntarily bid into a position in Columbus, Ohio; he again was furloughed in July 1982. Because of Claimant's voluntary bid to the Columbus, Ohio, position, Carrier classified Claimant as retaining his seniority rights at Bellefontaine. Carrier, currently, is not operating a facility at Bellefontaine, so Claimant remains on furlough. The Claimant pursues this matter on his own behalf, seeking either a recall to pick up all his seniority rights calculated from a start date of 1948 in his home district, or a dove-tailed position in the post-merger regional seniority roster.

This Board has reviewed the record in this case, and we must find that this matter was not properly progressed to this Board. Therefore, the Claim must be dismissed for lack of jurisdiction.

This Board only gains jurisdiction over a dispute after it has been progressed to this Board as required by the terms of the Railway Labor Act. Section 3, First (i) of the Railway Labor Act states:

"The disputes between an employee . . . and a carrier . . . growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules or working conditions, . . . shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but failing to reach an adjustment in this manner, the disputes may be referred to . . . the appropriate division of the Adjustment Board . . ."

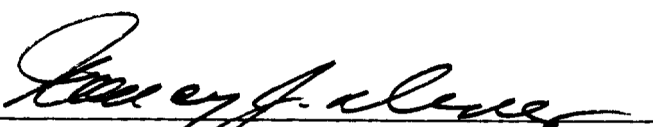
Inasmuch as petitioner's Claim was not handled up to and including the Senior Director before it was presented to this Division, it must be dismissed. (See First Division Award 20741, Second Division Award 1404 and Third Division Award 15075).

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 3rd day of August 1988.