

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13551
Docket No. 13447
00-2-99-2-44**

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

**(Brotherhood Railway Carmen Division
(Transportation Communications International Union
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Baltimore and Ohio
(Railroad Company)**

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

- 1. That the Carrier is in violation of Rule 28 of the Agreement instructing employees of Deforest Junction to perform work that is assigned to New Castle employees.**
- 2. That the Carrier discontinue the use of Deforest Junction Carmen to repair freight cars at Lordstown in violation of Rule 28 and allow the Carmen at New Castle their contractual entitlements to perform this work at Lordstown, Ohio.”**

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 Statement of Claim before of the Board is defective.

First of all, it fails to specify a date upon which an alleged violation occurred. Second, no Claimant is named or identified. Third, the Organization requests the Board to order the Carrier to, “discontinue the use of Deforest Junction Carmen to repair freight cars at Lordstown. . . .”

Clearly, the remedy sought constitutes a request for a cease and desist order, a form of injunctive relief, which is beyond the realm of the Board’s authority.

Under the circumstances, the claim must be dismissed.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 29th day of September, 2000.