

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13970
Docket No. 13823
08-2-NRAB-00002-070007
07-2-7

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

(K. E. Gregory, Jr.

PARTIES TO DISPUTE: (

(Norfolk Southern Railway Company

STATEMENT OF CLAIM:

“That the Norfolk Southern Railway has declined to reimburse Radio Maintainer K. E. Gregory, Jr. for expenses incurred for meals consumed while performing work away from his headquarters which is located at Bluefield, WV.”

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.

In similar fashion to other Claims decided concurrently, Claimant Gregory seeks reimbursement of meal expenses incurred while he was away from headquarters performing services for Carrier, in this instance as a Radio Maintainer during the month of October, 2006. Specifically, Claimant protests

Carrier's denial of his travel expense form for that month reflecting \$191.75 expended in the purchase of meals.

According to the record before the Board, on January 12, 2007, Claimant submitted a Notice of Intent to file a Submission to the National Railroad Adjustment Board (NRAB) over this issue. Prior to submitting that Notice, however, Claimant did not discuss the issue in conference with Carrier representatives as required by the Railway Labor Act (RLA).

Section 2, Second of the RLA requires that parties attempt to resolve their disputes in conference on the property prior to referring them to the NRAB. As with the several other similar matters decided concurrently, Claimant's failure to process his case in accordance with the terms of the Railway Labor Act (RLA) thus represents a fatal procedural flaw depriving the Board of jurisdiction over the issue presented.

Since the case is improperly before the Board for non-compliance with the mandatory terms of the Act, it is dismissed on jurisdictional grounds.

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 25th day of November 2008.