

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13973
Docket No. 13826
08-2-NRAB-00002-070012
07-2-12**

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

**(Daniel L. Martin
PARTIES TO DISPUTE: (
(Norfolk Southern Railway Company**

STATEMENT OF CLAIM:

“That the Norfolk Southern Railway has declined to reimburse Telephone Maintainer Daniel L. Martin 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.

This dispute, as with several others decided concurrently by the Board, centers on a Claim for reimbursement of meal expenses incurred while the Claimant was away from headquarters performing services for Carrier as a Telephone

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Maintainer. In this instance the Carrier disallowed meal expenses totaling \$27.07 submitted during the month of September, 2006.

As with the companion cases, Grievant Martin's Claim suffers from fatal procedural defects and is thus improperly before the Board. Specifically, the record shows that on January 31, 2007, he submitted a Notice of Intent to file a Submission to the National Railroad Adjustment Board over this issue without previously conferencing the dispute with Carrier representatives as compelled by the Railway Labor Act (RLA). Since 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, and since it is undisputed no such mandatory conference occurred with respect to this claim, the Board lacks jurisdiction to hear the merits of the Claim.

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.