

Award No. 6293
Docket No. 6139-I
2-C&O-I-72

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

PARTIES TO DISPUTE:

LLOYD D. RIDDICK, PETITIONER

THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)

DISPUTE: CLAIM OF PETITIONER:

Claim of Lloyd D. Riddick versus Chesapeake and Ohio Railway Co. for separation allowance or other benefits account violation of bona fide working agreement between said company and the International Brotherhood of Firemen and Oilers, said violation being abolishment of regular assigned position of claimant, L. D. Riddick, and duties of position being contracted out to outside firms or delegated to other employes represented by various craft unions.

EMPLOYES' STATEMENT OF FACTS: I have been in the service of the carrier for over 20 years, approximately 18 (between 1952 and 1969) of which I was assigned as Engine Supplyman at Burnham Yard, Illinois. My duties were to fuel, sand and clean or otherwise service yard locomotives at this location. Due to being the only laborer assigned at this facility, I also took care of other duties around the repair track and yard as directed by the Car Foreman and other supervisors of the railroad. This included work on road locomotives if necessary, painting buildings, cleaning tools, storing supplies, changing air hoses on engines, adjusting piston travel, checking and adding oil if necessary, loading and unloading supply cars, storing material for the Car Department and doing other mechanical assignments as directed. My job was classified as a laborer and I received no pay differential when I performed mechanical duties or performed work assigned to higher rated positions.

Effective August 15, 1969, this position was abolished by the railroad company and the work of fueling and sanding locomotives was contracted out to a non-railroad affiliated company and the balance of my duties were assumed by the Carmen assigned at Burnham Yard.

The carrier has been attempting to abolish this position for several months prior to actually doing so, and in anticipation of this move, I sought to seek other employment. I heard of a hostler's job at another yard (Rockwell Street—Chicago) that might be available. I made inquiries on the job

dination allowance and who at their option at the time of coordination elect to resign and accept a lump sum separation allowance. This option would not be open to Riddick since under no circumstances would he have been in position to be eligible for a coordination allowance. It will, therefore, be seen that the claim for separation allowance is without justification.

It has been shown that:

1. The Second Division does not have jurisdiction,
2. the claim has not been timely progressed, and,
3. Nothing has occurred which would in anyway make Riddick eligible for separation allowance.

The Carrier, therefore, asks that the case be dismissed for lack of jurisdiction and if considered on the basis of merits be denied on the basis thereof.

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 employe 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.

The claim was not processed according to the requirements of the effective Agreement and as provided by Section 3, First, (i), of the Railway Labor Act and Circular No. 1, of the National Railroad Adjustment Board. The claim is not properly before this Board and therefore must be dismissed. See Second Division Award 6073 (Harr).

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 4th day of May 1972.