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Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6540  
Docket No. 6385-I  
2-SOU-I-'73

The Second Division consisted of the regular members and in addition Referee Irwin M. Lieberman when award was rendered.

Parties to Dispute: { Charles L. Hudson (Petitioner)  
{  
{ Southern Railway Company

Dispute: Claim of Employees:

I desire an award for reinstatement with full pay and benefits because I was unjustly terminated from my employment as a pipefitter at Atlanta Diesel Shop of Southern Railway.

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 were given due notice of hearing thereon.

Under Section 2 Second of the Railway Labor Act, it is mandatory that all disputes must be considered, and if possible settled by agreement, in conference between the parties on the property. Such a conference is a prerequisite to any case being referred to this Board. The purpose of this section of the Act was to encourage settlement of disputes between the parties, rather than "automatic" referrals of disputes to the Board.

The record of this case indicates that no conference relative to this claim was held on the property prior to its submission to this Board. For this reason we have no alternative but to dismiss the claim based on this procedural flaw.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: E. A. Killen Jr.  
Executive Secretary

Dated at Chicago, Illinois, this 26th day of June, 1973.