

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (D. L. Satterfield, Petitioner
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(Baltimore and Ohio Railroad Company

Dispute: Claim of Petitioner:

Is D. L. Satterfield entitled to compensation and allowances for being placed in a worst position with respect to his compensation due to the termination of the Locomotive Painters Craft at Grafton, West Virginia, in September, 1971?

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.

A review of the record in this dispute clearly shows that Petitioner is attempting to assert a claim before this Board that was not handled on Carrier's property as required by Section 3, First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, and not in accordance with the provisions of the applicable collective bargaining agreement. Therefore, the claim is barred from consideration by the Division and must be dismissed.

In addition, the Board finds that this Division does not have jurisdiction inasmuch as this claim is based on Article I, Section 2, of the September 25, 1964 Mediation Agreement, Case No. A-7030. Article VI of that Agreement provides for resolution of disputes arising under Articles I and II by establishing a shop crafts' Special Board of Adjustment. Such Special Board of Adjustment has been established (designated as S.B.A. No. 570) and has jurisdiction in the dispute before us. The Second Division has no jurisdiction and has been so held in Second Division Awards Nos. 5667, 5938, 6743 and 6684.

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Award No. 6903
Docket No. 6740-I
2-B&O-I-'75

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Mediation Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of August, 1975.