

The Second Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

Parties to Dispute: (D. T. Kinzer, Blacksmith
(S. P. Youngblood, Blacksmith-Helper
(
(Western Maryland Railway Company

Dispute: Claim of Employes:

Our principal grievance is that the Company retained a Blacksmith Welder to do Blacksmith work and work with Boilermakers and vice versa, and we feel he is not a qualified Blacksmith, he came into the craft as a welder when the welding craft was discontinued in the late 1940's and his service was dovetailed to his present position.

We feel we are being unduly denied the rightful opportunity of earning an honest living as we are both still furloughed from our craft.

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 Agreement in question contains certain rules for the progressing of claims, prior to submission of a dispute to this Board. There is serious question as to whether those requirements were complied with in this case. However, without immediate regard to that question, we are compelled to dismiss the claim for failure to set forth a basis for granting relief.

We have studied the record, but fail to find that Claimants stated, in a timely fashion, the rule which was assertedly violated; nor have they set forth anything of a specific nature which would suggest a definite claim, or a factual basis for sustaining same.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By *Rosemarie Brasch*
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 25th day of February, 1977.