

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

Parties to Dispute: { System Federation No. 2, Railway Employees'
 { Department, A. F. of L. - C. I. O.
 { (Carmen)
 { Missouri Pacific Railroad Company

Dispute: Claim of Employees:

1. That the Missouri Pacific Railroad Company violated Article V of the Agreement of January 12, 1976 when they contracted out the work of rerailing diesel unit No. 1154 at Dow Midway Plant, Freeport, Texas, to the Houston Belt & Terminal Railroad Company May 4, 1976.
2. That the Missouri Pacific Railroad Company be ordered to compensate Carmen E. Delcour and T. Robertson in the amount of four (4) hours each at the pro rata rate of pay for their violation of Article V of the Agreement of January 12, 1976, May 4, 1976.

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 waived right of appearance at hearing thereon.

Upon careful consideration of the entire record we are persuaded that this claim must be dismissed for lack of jurisdiction of the subject work in this Board. As initiated and handled on the property this claim alleges violation of the Agreement of September 25, 1964, Article II Subcontracting. Jurisdiction of this claim therefore is vested exclusively in Special Board of Adjustment No. 570. See Award 7745. In dismissing this claim we do not reach, and accordingly do not determine expressly or implicitly, the merits of the claim.

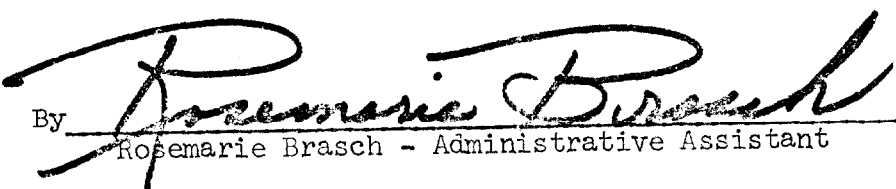
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 7th day of March, 1979.