

The Second Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

PARTIES TO DISPUTE: (Sheet Metal Workers' International Association
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

Claim \$2283.49 per month for 36 months beginning September 11, 1985 for Claimant M. A. Englander.

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 employes 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.

Claimant was employed as a Sheet Metal Worker by Carrier at its Oakland, California, diesel facility. On September 3, 1985, Claimant was notified that she was being furloughed as of the end of her shift on September 10, 1985. The Organization thereafter filed a claim on Claimant's behalf, seeking certain protective benefits as set forth in the parties' April 20, 1981, Agreement Pursuant to Section 13(c) of the Urban Mass Transportation Act of 1964, as amended.

This Board has reviewed the record in this case, and it is clear that the claim is being based upon an alleged violation by the Carrier of the protective provisions of the Implementing Agreement of April 20, 1981, entered into under the provisions of Section 13(c) of the Urban Mass Transportation Act of 1964. Section 12(a) of that Implementing Agreement provides for a special arbitration board to resolve disputes. This dispute should have been brought before that board since it arises under the terms of that Agreement. This Board does not have jurisdiction to hear this case. Therefore, the claim must be dismissed.

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Award No. 11491
Docket No. 11322
88-2-86-2-135

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of June 1988.