

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12569
Docket No. 12487-I
93-2-92-2-22

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (John B. Croston
(
(Burlington Northern Railroad Company

STATEMENT OF CLAIM:

"John B. Croston seeks employee benefits afforded by the agreement between Burlington Northern Railroad Company and it's mechanical employees, dated 5-18-70. Specifically Appendix 'G-1', National Mediation Agreement of September 25, 1964 Article 1 Section 2, 6 and 7."

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.

In this dispute, the Claimant seeks entitlement to benefits under the September 25, 1964 Mediation Agreement. He contends that his position was abolished when the Carrier closed its Livingston Shop facilities on February 3, 1986. However, the Board holds that the matter under dispute is reserved to Special Board of Adjustment No. 570. Sections 1 and 8 of Appendix "G-1", Article VI of the September 25, 1964 Agreement provides as follows:

"Section 1 - Establishment of Shop Craft Special Board
of Adjustment -

In accordance with the provisions of the
Railway Labor Act, as amended, a Shop Craft
Special Board of Adjustment hereinafter

referred to as 'Board,' is hereby established for the purpose of adjusting and deciding disputes which may arise under Article 1, Employee Protection, and Article II, Subcontracting, of this agreement. The parties agree that such disputes are not subject to Section 3, Second, of the Railway Labor Act, as amended."

"Section 8 - Jurisdiction of Board -

The Board shall have exclusive jurisdiction over disputes between the parties growing out of grievances concerning the interpretation or application of Article I, Employee Protection and Article II, Subcontracting."

Accordingly, these provisions provide for the exclusive jurisdiction over Shop Craft disputes before the Special Board of Adjustment No. 570. That Board handles all disputes involving the interpretation or application of Article 1, Employee Protection. Resolution of dispute concerning protective entitlements are exclusively within the jurisdiction of the tribunal formed under the provisions of the September 25, 1964 Mediation Agreement. The claim is therefore dismissed because this Board has no jurisdiction over this case.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 8th day of September 1993.