

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

**Award No. 13423**

**Docket No. 13306**

**99-2-97-2-79**

The Second Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

**(Brotherhood Railway Carmen, Division of  
( Transportation Communications International Union**  
**PARTIES TO DISPUTE: (**  
**(CSX Transportation, Inc. (former Chesapeake &  
( Ohio Railway Company)**

**STATEMENT OF CLAIM:**

**“Claim of the Committee of the Union that:**

- 1. That the Chesapeake and Ohio Railroad Company, (CSX Transportation, Inc. (hereinafter referred to as “Carrier”) violated the controlling Shop Crafts Agreement specifically Rule 154, when on June 2, 1996 the Carrier allowed and/or permitted other than Carmen at Huntington, West Virginia to repair draft system.**
- 2. Accordingly, the Carrier be instructed to compensate Carmen K. L. Tschop ID #625026 and B. H. Fortner ID #102313, eight hours pay each at Carman’s rate and one half for the said violation.”**

**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 were given due notice of hearing thereon.

On July 26, 1996 a claim was filed on behalf of the two Claimants by the Organization on grounds that the Carrier had violated Rule 154 of the Agreement when it permitted employees other than Carmen to remove the cut levers and bail, coupler, draft gear and draft gear pocket from Locomotive 1103 on June 2, 1996. According to the claim the alleged infraction of the Rule took place at the Huntington Locomotive Shop in Huntington, West Virginia. The claim was denied by the Plant Manager on grounds that two members of the Boilermaker and Blacksmith's craft were assigned to remove components from the locomotive "...due to heavy impact damage to the rear of the locomotive..." and that this removal of what was tantamount to scrap represented no violation of the Carmen's Agreement. Absent settlement of this claim on the property it was docketed before the Board for final adjudication.

The position of the Carrier is that the instant dispute before the Board involves a jurisdictional dispute. The Board observes that Supplement No. 6 of the Agreement, which involves all Shop Crafts, including the Carmen and the Boilermakers and Blacksmiths, provides procedures for handling alleged jurisdictional disputes prior to their being taken up with management. Supplement No. 6 - Procedure for Handling Jurisdictional Disputes reads, in relevant part, as follows:

...in the event of a jurisdictional dispute between the crafts...this dispute must be taken up between the crafts involved before such dispute is handled with Management...."

There is no evidence in the record that the procedures of Supplement No. 6 were followed by the Organization prior to the filing of its claim on July 26, 1996. The Second Division issued Award 11473 on this property in 1988, involving the Carmen and the Sheet Metal Workers International Association, both of which are signatory parties to Supplement No. 6, which is on point with the instant case. In that Award the Board stated:

"In this case, the record does not indicate that there was any handling of the matter between the General Chairman of the two Organizations. Therefore, since provisions of Supplement No. 6 were not complied with by the Organization, this claim will be dismissed in accordance with our usual procedure."

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**See also Second Division Awards 7296 and 11229. On basis of the record before it the Board rules that the claim must be dismissed.**

**AWARD**

**Claim dismissed.**

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Second Division**

**Dated at Chicago, Illinois, this 16th day of June 1999.**