

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward F. Carter, Referee

PARTIES TO DISPUTE:

ORDER OF RAILWAY CONDUCTORS, PULLMAN SYSTEM

THE PULLMAN COMPANY

STATEMENT OF CLAIM: The Order of Railway Conductors, Pullman System, claims for and in behalf of Conductor J. F. Cannon, Montreal District, that:

1. Rule 26 of the Agreement between The Pullman Company and Conductors in the service of The Pullman Company (effective January 1, 1948) was violated when on August 22, 1949, the Company changed the seniority date of Conductor G. E. Dillon, Montreal District, from January 1, 1945 to November 18, 1927, effective September 1, 1949.
2. Rules 25 and 31 of the Agreement between the Company and its Conductors have been continuously violated by the Company since approximately September 1, 1949, during which period the Company assigned Conductor Dillon on the basis of the improper seniority date of November 18, 1927.
3. Conductor Cannon be credited and paid for all assignments performed by Conductor Dillon from 60 days prior to January 15, 1953.

EMPLOYEES' STATEMENT OF FACTS:

I

Chronological Summary

- 1927, June 16—G. E. Dillon employed as Conductor by The Pullman Company.
- 1931, Feb. 16—J. F. Cannon employed as Conductor by The Pullman Company.
- 1931, Nov. 28—Conductor Dillon furloughed.
- 1937, Feb. 26—Conductor Dillon recalled by Company and transferred to position of Pullman Reservation Clerk.
- 1938-1944—Seniority Roster for Montreal District Pullman Conductors does not include G. E. Dillon.

OPINION OF BOARD: On June 16, 1927, G. E. Dillon established seniority as a conductor and on November 28, 1931, he was furloughed. On February 26, 1937, Dillon was employed as a Reservation Clerk. Pursuant to an agreement of understanding, Dillon was required to elect by January 1, 1945 to retain seniority as a clerk or to retain his seniority as a conductor. He elected to return to service as a conductor and he was given a seniority date of January 1, 1945. On January 24, 1949, the local chairman of the Organization filed a claim alleging that Dillon was entitled to a seniority date of June 16, 1927. Carrier's representative and the general chairman adjusted the claim by agreeing on November 18, 1927, as Dillon's correct seniority date and upon the sum of \$330.80 as full payment to Dillon for wage loss resulting from the improper seniority date. The agreed upon sum was paid. In acknowledging the settlement of the claim on August 29, 1949 the general chairman stated: "This will now close the file."

Notwithstanding the settlement made, the local chairman filed a new claim on September 2, 1949, alleging that the agreement was violated in changing Dillon's seniority date from January 1, 1945 to November 18, 1927. The general chairman refused to process the claim. On appeal by the local chairman, the Organization's Grand Lodge sustained the appeal and directed that the claim be brought to this Board.

The adjustment of the claim on the property by Carrier's representative and the general chairman of the Organization is binding upon the parties. The general chairman has full authority to make such a settlement. While the Organization may direct the course to be pursued by the general chairman, it cannot repudiate a valid agreement fully executed, with impunity. We are obliged to hold that the claim involved in this docket was fully settled on or about August 29, 1949, and that there is nothing presently before the Division to be decided. The claim should be dismissed with prejudice.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim dismissed with prejudice.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 22nd day of July, 1955.