

**Award No. 9861**

**Docket No. PM-12305**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**UNITED TRANSPORT SERVICE EMPLOYEES**

**LOUISVILLE AND NASHVILLE RAILROAD COMPANY**

**STATEMENT OF CLAIM:** That the Louisville and Nashville Railroad Company wrongfully discharged Burrell B. Pope, Train Porter at the L & N Passenger Station, Mobile, Alabama.

That Train Porter Burrell B. Pope be reinstated and be paid for all time lost as a result of the aforementioned wrongful discharge and;

That the record of said Burrell B. Pope be cleared of all charges which relate to the instant case.

**OPINION OF BOARD:** The confronting dispute involves a Train Porter employed by the respondent Carrier, over which this Division has no jurisdiction.

In considering the question of jurisdiction of this Division we must look to Section 3 (h) of the Railway Labor Act which defines and limits our authority. This section provides:

"Third Division: To have jurisdiction over disputes involving station, tower, and telegraph employes, train dispatchers, maintenance-of-way men, clerical employes, freight handlers, express station, and store employes, signal men, sleeping car conductors, sleeping-car porters, and maids and dining-car employes. This division shall consist of ten members, five of whom shall be selected by the carriers and five by the national labor organizations of employes."

**FINDINGS:** The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That due to lack of jurisdiction by this Division the case is dismissed.

**AWARD**

**Case dismissed.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty  
Executive Secretary**

**Dated at Chicago, Illinois this 16th day of March, 1961.**