

**Award No. 12466
Docket No. MS-13418**

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**C. P. HARRIS, CARPENTER, B & O RAILROAD COMPANY
THE BALTIMORE AND OHIO RAILROAD COMPANY
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES**

STATEMENT OF CLAIM: To be reinstated to my former place on the seniority roster and the difference in the rate of pay between carpenter and foreman from the time I bid in an advertised foreman's position in March, 1961.

OPINION OF BOARD: This Board is without jurisdiction to decide any dispute between an employe and his Organization.

The record contains Claimant's admission that, while holding a position as B&B Foreman, he voluntarily bid in a carpenter's job in another gang. The parties to the Agreement are in accord that, by so doing, Claimant forfeited his seniority rights in the Foreman's class. Thus, on the merits of the case there was no violation of the Agreement. In addition, the evidence of record reveals that this Claim was not submitted to nor handled with the Carrier in accordance with the terms of the controlling Agreement.

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 Employe involved in this dispute are respectively Carrier and Employe 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 against The Brotherhood of Maintenance of Way Employes is dismissed. Claim against The Baltimore and Ohio Railway Company is denied.

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

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

Dated at Chicago, Illinois, this 30th day of April 1964.