



Award No. 15212
Docket No. TE-12422

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

David L. Kabaker, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

GULF, COLORADO AND SANTA FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Gulf, Colorado & Santa Fe Railway, that:

1. The Agreement between the parties was violated when J. W. Carter was unjustly dismissed from service as a result of an investigation conducted December 13, 1958.
2. Carrier shall now restore J. W. Carter to service with seniority rights unimpaired and compensate him for salary lost, retroactive to and including December 18, 1958.

OPINION OF BOARD: The matter of primary importance before this Board is the contention of the Carrier that the instant claim be dismissed on the ground that the claim was not discussed in conference in accordance with the provisions and requirements of Section II the Railway Labor Act.

The record shows that although the Organization requested a conference to discuss the claim and such request was granted by the Carrier; the Organization failed to discuss the claim in conference on the property.

This Board has held, on numerous occasions, that it lacks jurisdiction where there has been no discussion of the claim in conference on the property. See Awards 14370, 12290, 14665, 14666, 15159, 15148 and others.

For the reasons set forth herein it must be the conclusion that the Board lacks jurisdiction in the instant matter and the claim must be dismissed.

In light of the above conclusion, no useful purpose would be served to discuss the claim on the merits.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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

That this Division of the Adjustment Board does not have jurisdiction over the dispute involved herein; and

That the Claim shall be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of January 1967.