

Award No. 18854
Docket No. MS-19204

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

H. B. BURRESS

**CHICAGO, ROCK ISLAND AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: This is to serve notice; as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on December 1, 1970 covering an unadjusted dispute between me and the Chicago, Rock Island and Pacific Railroad Company involving the question:

Failure of the Chicago Rock Island and Pacific Railroad and The American Train Dispatchers Assoc. to properly enforce the agreement between these two parties in connection with filling vacancies on March 28 and 29, 1970, April 1, 5, 19, 22, 1970 and June 7 and 14, 1970. Since this action started after planning by the local officers of these organizations, I am told, and does not follow past practice or has it been the practice since that time, I believe it to be discrimination.

It is my desire that an oral hearing be conducted on this matter.

OPINION OF BOARD: The record in this case clearly indicates that a conference between Claimant and Carrier representative was not held on the property prior to submission of this case, by Claimant, to this Board. Carrier contends that this Board does not have jurisdiction over this dispute since Claimant did not handle his claim in compliance with Section 2 of the Railway Labor Act, Second and Sixth which requires such a conference. This Board agrees with Carrier and we will dismiss the claim. See Third Division Awards 11484, 14863, 17478.

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 Employees involved in this dispute are respectively Carrier and Employees 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 claim be dismissed.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 30th day of November 1971.