

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19709
Docket Number MS-19816

Irwin M. **Lieberman**, Referee

PARTIES TO DISPUTE: (Paul Wharton
(Norfolk and Western Railway 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 June 2, 1972, covering an unadjusted dispute between **me** and the Norfolk and Western Railway Company involving the **question:**

Claim for Difference in Rates of Pay

between Computer Operator (rate of \$897.33 monthly on **January** 1971) and O.S.&D. Clerk (rate of \$724.46 monthly on January 1971) beginning on January 20, 1971, and continuing until settled.

OPINION OF BOARD: This claim was filed by an individual, although the original claim on the property was filed by the Organization. Carrier contends that this Board does not have jurisdiction over this dispute since no conference was held on the property, in accordance with Section 2, Second, of the National Railway Labor Act. The record contains no evidence that **a** conference was held on the property between Claimant or the Organization and the Carrier with respect to this claim.

It is well settled by a host of Awards of this Board that a conference on the property between the parties is a mandatory prerequisite to assertion of jurisdiction. In Award 17166 we said:

"The Railway Labor Act requires that before a dispute should be appealed to the Board for a decision, the parties **to** the dispute should hold a conference on the property to try to reach settlement. This concept was upheld by the United States Supreme Court. . . . **The** reasoning behind this provision is simple - **to ensure** that the parties meet and try to reach **some** agreement between themselves in as harmonious fashion as possible. **It** is only after such a meeting or conference is held and only after the parties cannot reach agreement on the property that this Board's jurisdiction becomes valid."

Our determination is that this Board has no jurisdiction to hear this claim on its merits.

Award Number 19709
Docket Number MS-19816

Page 2

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 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 is without jurisdiction over the dispute involved herein.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: E. L. Killen
Executive Secretary

Dated at Chicago, Illinois, this 13th day Of April 1973.