

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 20574
Docket Number MS-20740

Irwin M. **Lieberman**, Referee

(Marion E. Hampton
PARTIES TO DISPUTE: (
(Southern Railway Company

STATEMENT OF CLAIM: Claim of Machine Operator, Marion E. Hampton for pay for all time lost on his assignment and/or assignments for all days he has been or is held out of service, be paid the same compensation that he would have earned had he worked, and request that he be reinstated to the service with full seniority rights including vacation rights and request this division to so rule, reinstating your claimant with all rights as requested and compensated for all time lost on the Southern Railway System, from December 20, 1972 and all **subsequents** dates account of wrongful and arbitrary discharge in an invalid proceeding held in the Holiday Inn Motel, Jasper, Indiana 7:00 P.M., on January 9, **1973**.

OPINION OF BOARD: Section 2 Second of the Railway Labor Act provides that all disputes must be considered, and if possible resolved, in conference between the parties on the property. Such a conference is an essential condition precedent to any case being referred to this Board. The purpose of this section of the Act is to encourage settlement of disputes between the parties, rather than the routine referral of disputes to the Board.

The record of this case indicates that no conference relative to this claim was held on the property prior to its submission to this Board. For this reason we cannot consider the merits of this dispute and have no alternative but to dismiss the Claim based on the serious procedural flaw.

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

That the parties waived oral hearing;

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

That the Board does not have jurisdiction.

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Claim dismissed.

NATIONAL RAILROAD **ADJUSTMENT BOARD**
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 30th **day** of December 1974.