

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22475
Docket Number MS-22440

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { V. L. Henry, et al
Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "1. The Carrier violated the provisions of the February 7, 1965 National Agreement when they did not compensate V. L. Henry and the forty other Clerks listed herein with supplemental benefits due them because their ~~positions~~ ^{positions} were abolished due to a strike of the International Brotherhood of Teamsters during the month of April, 1976.

2. Carrier shall now be required to compensate each claimant as listed and outlined below;

<u>Claimant</u>	<u>Date Claimed</u>	<u>Amount</u>
V. L. Henry	April, 1976	21.65
M. A. Lee	" "	21.65
Cleo Mays	" "	24.09
S. W. Maness	" "	22.58
R. L. Manley	" "	24.09
Ellis Kirtright	" "	32.61
Scipio Jenkins	" "	24.09
Wm. James	" "	24.09
Andrew Daugherty	" "	21.65
Wilson Johnson	" "	21.65
Jimmie Blackman	" "	21.65
Tommie Davis	" "	21.65
Joseph Ciaramitaro	" "	24.09
T. L. Ervin	" "	24.09
E. E. Boughan	" "	24.09
W. J. Poe	" "	21.65
Eddie Cooper	" "	21.65
J. E. Jenkins	" "	24.09
J. R. Twente	" "	24.09
Louis Neal	" "	24.09
W. J. Jackson	" "	21.65
L. L. Emory	" "	24.09
Howard Bowens	" "	21.65
J. A. Anthony	" "	24.09
J. F. Biondo	" "	24.09

<u>Claimant</u>	<u>Date Claimed</u>	<u>Amount</u>
H. J. Jones	April, 1976	24.09
J. O. Rolfes	" "	24.09
R. L. Spencer	" "	21.65
J. W. Spies	" "	36.89
Cleveland Tyler	" "	24.09
Lonnie Williams	" "	24.09
H. L. Shadoin	" "	24.09
C. M. Tocco	" "	25.72
A. C. Farr	" "	23.99
E. J. Vein	" "	32.61
R. I. Leas	" "	32.61
C. W. Walker	" "	21.65
E. W. Logans	" "	24.09
J. W. Krampf	" "	24.09
Calvin Smith	" "	"

OPINION OF BOARD: The Claimant asserts that the Carrier violated the February 7, 1975 National Agreement when it failed to compensate him - and others - in April of 1976.

Article VII of the February 7, 1975 Agreement establishes a "Disputes Committee" to decide disputes involving the interpretation or application of any of the terms of the agreement, and accordingly, the Carrier urges that we dismiss the case for "lack of jurisdiction."

Our review of the record compels us to conclude that Carrier's contention is well taken, and for the same basic reasons set forth in our Award 20982 we will dismiss the claim.

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 has jurisdiction
over the dispute involved herein; and

That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: AW. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July 1979.