NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 23435

THIRD DIVISION Docket Number MS-23262

Arnold Ordman, Referee

PARTIES TO DISPUTE: (John R. Childs
(Illinois Central Gulf Railroad

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, 1979 covering an unadjusted dispute between me and the Illinois Central Gulf Railroad involving the question: Weather or not the Illinois Central Gulf Railroad, on April 30, 1979, could remove me from a position as Train Dispatcher to which I had made application to, and seniority entitled me to, and place me without my consent on another position as Train Dispatcher thus changing my working conditions. Failure of the Illinois Central Gulf Railroad to compensate me at the rate of time and one half for performing service as Train Dispatcher on May 6, 7, 13 and 14, 1979, account working on my assigned rest days. Finally, failure of the Illinois Central Gulf Railroad to compensate me at pro rata rate on May 1, 2, 5, 9 and 15, 1979 account my regular assigned days to perform service as Train Dispatcher and not used."

OPINIONOF BOARD: Carrier asserts, and Claimant J. R. Childs admits, that no conference was held on the property attempting to resolve this dispute.

Section 2, Second of the Railway Labor Act states:

> "All disputes between a carrier or carriers and its or their employees shall be considered, and, if possible, decided with all expedition in conference between representatives designated and authorized to confer, respectively, by the carrier or carriers and by the employees thereof interested in this dispute."

The great weight of authority establishes that the omission of a conference on the property deprives the Board of jurisdiction. See Third Division Awards 14873 (Ritter); 22646 (Mangan); 16964 (Criswell); 16567 (Heskett); 13120 (Dorsey). No conference on the property was conducted in this dispute and Claimant was not precluded from seeking such a conference.

As the cited Awards make clear, the fact that a conference might prove futile does not abrogate the requirement that a conference be held prior to submission of the dispute to the Board. Also clear from these Awards is that Carrier has no obligation to perfect the claim of an employee by itself making request for a conference. For want of jurisdiction, the claim will be dismissed.

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 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 Div-lson of the Adjustment Board has Jurisdiction over the dispute Involved herein; and

That the Claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of November 1981.