

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 2352
Docket Number MS-2:

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (C. J. Rhoades
(Southern Pacific Transportation Company
(Texas and Louisiana Lines)

STATEMENT OF CLAIM: "I am asking that the Southern Pacific Transportation Company show proof that the cashier work is still at the Austin Freight station, or to pay my claim for 360 days separation pay as agreed in section 3 of the union agreement."

OPINION OF BOARD: Prior to a consideration of the merits of this dispute, we must consider a jurisdictional challenge. Carrier argues that the National Railroad Adjustment Board is without authority to consider this dispute because the claim was progressed on the basis of an alleged violation of Article IV, Section 3 of the Agreement of September 16, 1977, and claims arising under the terms of this agreement are only referable to a Public Law Board. We have examined Article X of the Agreement of September 16, 1977 and do not interpret the dispute resolution language as precluding instituting proceedings before this Board. Article X is permissive, rather than mandatory, and does not bar submitting claims to the N.R.A.B. We will consider the claim on its merits.

Claimant argues that the Carrier "piece-mealed" his Cashier work to another seniority district and to another Carrier over a period of years. This activity, he claims, eventually affected him when his position was abolished on July 6, 1979. Therefore, he claims an entitlement to severance pay.

We have carefully searched the record, and find that Claimant has produced absolutely no proof whatsoever to support his claim. Claimant has merely submitted broad and general allegations in a very brief and incomplete one-page submission. We cannot base a sustaining Award on such incomplete data. The claim must therefore be denied.

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 Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson

Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

