

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25543
Docket Number MS-25728

Stanley L. Aiges, Referee

(Thomas J. Ryder and John F. Heaphy, Jr.)

PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

We the undersigned wish to establish seniority in the classification of **Inspector**.

OPINION OF BOARD: The Petitioners here are Employees of the Carrier's Signal Department. They protest the failure to list their names on the Signalman Roster for Seniority District 1 (revised 3/12/82) with seniority in the classification of Inspector. Their protest, it is clear, arises out of the fact another **employee's** name (**D. Noyes**) so appears on that roster. **Noyes'** name appears there as the direct result of an agreement reached between Representatives of the Carrier and the Employees (**i.e.**, Brotherhood of Railroad Signalmen). They reached that decision in System Docket 1722 in accordance with the terms of Item 1 of Appendix "**R**". Their decision was based upon their belief that **Noyes** had previously held an Inspector position on former B&A territory. Significantly, the contracting parties later revisited the facts in **Mr. Noyes'** case and decided that he was improperly granted Inspector seniority pursuant to Item 1 of Appendix "**R**"; therefore, his proper seniority date in the Inspector class was changed from August 30, 1976 to September 7, 1982, pursuant to Rule 3-B-2.

The Agreement of the Parties to place **Noyes'** name on the disputed seniority roster is a valid one. It simply is not subject to attack here. It is, in our view, final and binding on all concerned.

we note, moreover, that Petitioners' claim does not allege that **Noyes'** inclusion on the disputed seniority roster violated any specific Provision of the Agreement. It does not, in short, center upon the interpretation of the contract between the Parties. Accordingly, it does not constitute a dispute "growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules and working conditions. Yet, it must in order for this Board to establish jurisdiction under Section 3, First (**i**) of the Railway Labor Act.

Under the circumstances, this claim must be denied.

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

Award Number 25543
Docket Number KS-25728

Page 2

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:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of July 1985.

