

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25554

Docket Number MS-25511

Paul c. cartes. Referee

(John Stypula

PARTIES TO DISPUTE: (

(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"(A) Claim is hereby filed in behalf of myself John Stypula (Claimant) because Carrier violated Rule 18 (d) of the **BRAC/Conrail** Scheduled Rules Agreement dated July 1, 1979, The RRR Act of 1973, Section 701 of the **Northeast Rail Service Act of 1981** and others when on February 2, 1982 Carrier disallowed claimant Stypula, a senior and **protcted** employee to displace Mr. W. E. Schach, a junior an unprotected employee from position **#532, Damage Inspector, Freight Claim Dept., Youngstown, Ohio** per phone conversation with Mr. K.E. Signor, Dist. **Supr.**, Freight Inspections, Cleveland, Ohio and follow up note from Mr. **Signor** dated 2/8/82.

(B) Claimant Stypula now request that he be paid the difference that position **#532** earns and what claimant earns on his present position or any subsequent position that claimant may work until claimant's displacement request on position **#532** is allowed.

(C) This claim is submitted in **accordance** with Rule 45 (a) of the Scheduled **Rules Agreement** and should be **allowed.**"

OPINION OF BOARD: From **our** review of the record, it is clear that Claimant's (Petitioner herein) dispute with the Carrier hinges upon an Agreement dated February 14, 1980, between the Carrier's Senior Director-Labor Relations, for the Carrier, and the General Chairman, Brotherhood of Railway, Airline and Steamship Clerks, for the Employes, which Agreement provide prior rights to former Employes of the Railroad Perishable Inspection Agency (**RPIA**) on newly established inspection positions, one such position being designated as Position 532, Damage Inspector, Freight Claim **Department**, Youngstown, Ohio. The Claimant requested that he be permitted to displace onto Position 532, but was not permitted to do so.

**The Agreement** of February 14, 1980, has been made a part of the record.

The Petitioner alleges a violation of the **Scheduled** Rules Agreement dated July 1, 1979, challenges the validity of the February 14, 1980, Agreement, and alleges a violation of the RRR Act of 1973 and Section 701 of the Northeast Rail Service Act of 1981.

The attention of the Board has been called to Rule **60(a)** of the Schedule Agreement of July 1, 1979, which provides:

"(a) **Exception** to any rule or **rules** in this Agreement will be made only by agreement, in writing, between the Senior Director-Labor Relations and the General Chairman."

The Agreement of February 14, 1980, came within the above Rule 60(a) of the Schedule Agreement.

We find no violation of the Agreement of February 14, 1980. **Any** question concerning the validity of that Agreement is not one for **decision** by this Board. The Railway Labor Act creating this Board limits its authority to "interpretation or application" of the Agreement as written. We have no authorization or jurisdiction to determine the validity of **contracts** nor to examine the credentials of the Parties who **have** been properly certified to make those Agreements. See First Division Award No. 21459, Fourth **Division** Award No. 2967 and Third Division Award No. 21926. Likewise, the Board has no authority to interpret the Regional Rail Reorganization Act of 1973.

We find no violation of **the** Agreement as written. The claim will, therefore, 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;

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. Dyer - Executive Secretary

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