

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25921

Docket Number SG-25888

Charlotte Gold, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
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(Norfolk and Western Railway Company

STATEMENT OF CLAIM:

"Claim on behalf of S. E. Ladd and D. C. Noirot for time and expenses during the months of December 1981 and January 1982.

Carrier files SG-BVE-82-1, SG=BVE-82-3, SG=FTW-82-9 and SG-FTW-82-9."

OPINION OF BOARD: Prior to December 1981, Claimants had been assigned by Carrier to work together as a two-man crew. Effective that month, they were directed to separate and test relays individually. Claimants filed a claim seeking compensation for time and driving expenses.

The Organization alleges that under Section 1(b) of Article VIII of the Merger Agreement of January 10, 1962, employees may not be placed in a worse position with respect to compensation, rules, working conditions, fringe benefits, or rights and privileges pertaining thereto, at any time during their employment.

Carrier responds that the instant claim is improperly before this body, since the Board lacks jurisdiction over merger connected matters, and Claimants cite a violation of the Merger Agreement of January 10, 1962, as the basis for their claim.

The Board must agree with Carrier. The Merger Agreement, in Section I, Paragraph (d), contains its own disputes procedure. The only option available to an aggrieved party (in the event that a dispute cannot be resolved by Carrier and the Organization) is to advance the claim to an arbitration committee. No provision is made for a hearing before the National Railroad Adjustment Board.

For this reason, the Board lacks jurisdiction to consider the claim. It consequently must be dismissed.

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

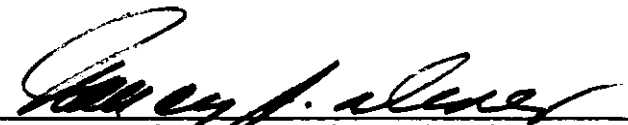
That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1986.

