

The Third Division consisted of the regular members and in addition Referee Edward L. Suntrup when award was rendered.

(C. R. Weinert  
PARTIES TO DISPUTE: (  
(Terminal Railroad Association of St. Louis

STATEMENT OF CLAIM:

"1. Carrier violated the state of moratorium between the company and the union causing the claimant a loss (At that time) in 20 years seniority and the loss of his job while forcing him across craft lines without an applicable agreement.

2. Carrier refused the claimants' rights to proper representation.

3. Carrier violated the Clerks Rules Agreements when it refused to allow claimant to exercise his seniority on a job in which his seniority permitted and forced him back on his former position without his permission.

4. Carrier consolidated this claim with another claim without claimants permission thus denying claimant due process.

5. Carriers action was arbitrary and very unreasonable due to the facts involved.

6. Carrier should compensate claimant (C. R. Weinert) for every day he has been worked off of Crew Clerk Job #5 due to carriers arbitrary, unreasonable and violative action."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The Board has studied the various correspondence between the Claimant and his Organization and between the Claimant and the Carrier which is found in the record before it and has compared the record with the Statement of

Claim filed before the Board. The Board has also studied the submissions accompanying the record of both the Claimant and the Carrier.

The record contains no claims filed by the Organization with the Carrier on behalf of the Claimant. The record does contain various correspondence by the Claimant to the Carrier under different dates. This correspondence of record consists of a March 20, 1985, letter by the Claimant to the Carrier's Operation's Field Supervisor, a June 7, 1985, response to that letter by this Supervisor, and June 29, July 17 and November 18, 1985, letters to the Carrier's Director of Labor Relations and Personnel. These letters are answered by the Director by correspondence dated July 16, 1985, and December 9, 1985. Scrutiny of this correspondence fails to show any Agreement Rules cited which were allegedly violated by the Carrier. Since such is the case this claim must be dismissed because of procedural defect. The authority of the Board is limited to the interpretation of collective bargaining contracts (See Third Division Awards 6695, 21697 inter alia). The Carrier also argues that the Claimant was in violation of the time limits provision of Article V of the 1954 Agreement. In view of the Board's ruling on its jurisdictional authority with respect to this claim it need not rule on this procedural objection raised by the Carrier.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1988.