

The Third Division consisted of the regular members and in addition Referee Stanley E. Kravit when award was rendered.

(Thomas L. Scott
PARTIES TO DISPUTE: (
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM:

"V. L. Jenkins (with no Group B seniority) received Group B pay plus the 298 award from January 1 to March 3, 1986 while I (who have Group B seniority) was unvoluntarily (sic) furloughed due to a force reduction created by management."

FINDINGS:

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

The carrier or carriers and the employee and employees involved in this dispute are respectively carrier and employees 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.

In January, 1986, Claimant asked the General Chairman to file a claim on his behalf for six days pay because a junior employee worked while he was furloughed. Eventually, other claims were appealed for dates beginning January 6, 1986, and continuing until the Claimant was allowed to work in place of the junior employee.

In April, 1986, the Engineering Superintendent determined that a portion of the claim was valid and paid Claimant 10 days. In September, however, it was discovered that the junior employee had worked longer than 10 days and the Claimant was paid for all time from January 2 through February 28, 1986. Finally, in November it was agreed that the Claimant would be paid an additional five days to completely clear up his claim. The record verifies the Organization's agreement with the resolution of the claims.

Nevertheless, on December 26, 1986, Claimant submitted an ex parte appeal directly to the Board, despite the fact that the claim was never appealed to the Carrier's highest designated officer on the property and was never handled in conference.

Initially, we lack jurisdiction to consider the Claim. In accord

with Section 3, First (i) of the Railway Labor Act, before we can consider a claim, the particular dispute "...shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes...." Moreover, Section 2, Second of the Act requires that all "...disputes between a carrier and its...employees shall be considered...in conference between representatives designated and authorized so to confer...by the carrier...and...the employees...." Circular No. 1 of this Board reiterates these jurisdictional requirements by stating "No petition shall be considered ...unless the subject matter has been handled in accordance with the provisions of the Railway Labor Act...." It is undisputed that appropriate appeals to the Carrier's chief operating officer designated to handle disputes or required conference on the property were not held prior to the submission of the instant matter to this Board. It is well established that we therefore lack jurisdiction to consider the Claim. See Third Division Award 25298 ("...this Board is pointedly precluded from reviewing and deciding Employee claims that were not fully handled on the Employer's property..."). See also Third Division Awards 18951, 19709, 19751, 25514, 25676, 25709.

Furthermore, as noted hereinbefore, the record shows that the issues before the Board in the present case were settled by agreement on the property between the designated representative of the collective bargaining unit representing the craft in which Claimant was employed at the time of the occurrence involved and an appropriate appeals officer of the Carrier. The adjustment of the dispute on the property by the designated representative of the Organization and the appropriate appeals officer is binding on all parties and leaves nothing for the Board to decide. (Third Division Awards 22458, 11563, 7061; First Division Award 23083). The Claim will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 17th day of January 1989.