

PARTIES TO DISPUTE: (Glen Ronald Johnston  
(Soo Line Railroad Company

STATEMENT OF CLAIM:

"Whether Mr. Glen Ronald Johnston is entitled to severance (sic) pay after being induced into quitting (sic) the Chicago, Milwaukee, St. Paul and Pacific Railroad during its bankruptcy, and,

Whether Mr. Glen Ronald Johnston is entitled to a retroactive pay increase given after Mr. Johnston quit his employment with the Chicago, Milwaukee, St. Paul and Pacific Railroad."

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 were given due notice of hearing thereon.

Certain facts are undisputed. Claimant was employed as an electrician at Carrier's Roundhouse at Savanna, Illinois. He resigned from Carrier's service as of July 4, 1981.

The record also reveals that the dispute before this Board was never presented and handled on the property in the usual manner nor was there a conference held on the property in an attempt to resolve this dispute prior to advancing same to this Board for adjudication.

Section 152 Second of the Railway Labor Act mandates that:

"All disputes between a carrier or carriers and its or their employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carrier or carriers and by the employees thereof interested in the dispute."

Section 153 First, (i) of the Railway Labor Act mandates that:

"(i) The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on June 21, 1934, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or be either party to the appropriate division of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes."

Failure to comply with either of the aforequoted sections of the Railway Labor Act precludes this Board from reviewing the merits of this dispute.

Furthermore, this Division of the National Railroad Adjustment Board has no authority to resolve disputes involving "...electrical workers..." as Section 153 First, (h) of the Railway Labor Act allocates to the Second Division of this Board:

"...jurisdiction over disputes involving...  
electrical workers..."

Under these circumstances we are compelled to dismiss this claim.

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 March 1989.