

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

(Robert J. Leburg

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

"That the merging of two T.P. & W. rosters before the dovetailing of the T.P. & W. and A.T. & S.F. rosters was in fact a transaction adversely affecting my seniority and my rights as an employee of the A.T. & S.F., thus being denied my protective provisions under the New York Dock Conditions."

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 or 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.

This claim seeks protective benefits under the New York Dock Conditions. This Board will not assert jurisdiction over disputes that are subject to a special arbitration tribunal.

The record as submitted by Carrier also indicates that the claim has been reviewed in a New York Dock case and the claim for benefits was denied. (See ICC Finance Docket No. 30249, Neutral Member John B. LaRocco.) This Board has no recourse but to dismiss this claim.

A W A R D

Claim dismissed.

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Award No. 27934
Docket No. MS-27672
89-3-87-3-208

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: _____


Nancy J. Deane - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1989.