

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

(L. Reguli, et al
PARTIES TO DISPUTE: (
(Chicago Union Station Company

STATEMENT OF FACTS:

"Your Petitioners, individually, seek an Award and Claim of 360 working days of compensation against their Respondents based upon their respective hourly rates, as of this date."

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.

On July 16, 1986, Amtrak assumed the functions of the Chicago Union Station Company (CUS), pursuant to notice first given in November 1985. As part of the transaction, Amtrak simultaneously abolished all then-existing agreement positions at CUS, then hired and made new assignments to those CUS employees, including Claimants, that Amtrak needed to perform the assumed functions. The Claimants, citing Appendix C-1 to the National Rail Passenger Service Act, subsequently filed a claim on their own behalf, as "dismissed" employees, for a lump sum payment in the amount of 360 working days' compensation. Claimants now seek allowance of their claim as presented because the Carrier allegedly failed to respond to the claim within the sixty-day time limit.

It is clear from the record before this Board that this Board is being asked to interpret and apply certain provisions of Article I of Appendix C-1.

It is also clear that Appendix C-1 contains procedures resolving disputes arising under Article I thereof.

As stated in Third Division Award 17988:

"We agree with prior awards of this Board to the effect that procedures established and accepted by the parties themselves for resolving disputes should be respected."

We have no recourse but to dismiss this claim.

Although this Board need not go into the merits, it is necessary to comment that the Claimants would not have been entitled to the benefits which they claimed because they were not dismissed employees; they were merely displaced employees, as defined in Appendix C-1. The Claimants are being paid the displacement allowance.

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 6th day of June 1989.