

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

Award No. 28904  
Docket No. MS-29797  
91-3-91-3-149

(Robert L. Seaton  
PARTIES TO DISPUTE: (  
(The Pittsburgh & Lake Erie Railroad Company

STATEMENT OF CLAIM:

"THIS IS TO SERVE NOTICE, AS REQUIRED BY THE RULES OF THE NATIONAL RAILROAD ADJUSTMENT BOARD, OF MY INTENTION TO FILE AN EX PARTE SUBMISSION WITHIN THIRTY (30) DAYS COVERING AN UNADJUSTED DISPUTE BETWEEN ME AND THE P & L E RAILROAD, INVOLVING THE QUESTIONS OF SEVERANCE PAY AND JOB SECURITY AS STATED IN THE CONTRACT THAT EXISTED BETWEEN THE UNION AND THE RAILROAD ON JANUARY 14, 1982, THE LAST DAY I WORKED."

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.

Section 152, Second of the Railway Labor Act provides:

"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." 45 U.S.C. 152, Second. (Emphasis added.)

Disputes must be handled in the usual manner which includes the parties' obligation to hold a conference on the property to discuss the claim before the dispute is ripe for adjudication by this Board. Id.; 45 U.S.C. 153, First (i). The mandatory conference not only permits an in-depth discussion of each party's evidence to avoid undue surprise at the later, formal

adjudicatory stage (if necessary) but it also encourages the parties to explore all avenues of possible settlement to promote the voluntary resolution of disputes. Had Claimant and the Carrier held a conference, they might have been able to reach a mutually satisfactory accommodation on this claim. Railway Labor Act's dispute resolution process is designed to force the parties to attempt to reach a settlement even if one party perceives little likelihood of successfully resolving the case before resorting to the Board. The parties must cultivate any possibility of settlement. Inasmuch as there is no record of the parties conferencing this claim on the property, we lack jurisdiction to address the underlying merits of this case. See Third Division Awards 25346, 24259, 22629.

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 30th day of July 1991.