

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 35455  
Docket No. MW-34229  
01-3-97-3-791**

**The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.**

**(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(Soo Line Railroad Company**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The Agreement was violated when the Carrier assigned Assistant Foreman Bruce D. Gilseth to relieve on the section foreman position at Kenmare, North Dakota on March 4 through March 15, 1996 instead of assigning furloughed Foreman David B. Krumwiede who had properly registered his name of the call list for such vacancies (System File R1.069/8-00290).**
- (2) The claim as presented by Assistant General Chairman Evan N. Ostlund on March 29, 1995 to Manager-Engineering Maintenance Edwin E. Howard shall be allowed as presented because said claim was not disallowed by Mr. Howard in accordance with Rule 21 of the Agreement.**
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, furloughed Foreman David B. Krumwiede shall be allowed “. . . 80 hours at the pro rata rate and have all overtime, vacation, fringe benefits, and other rights restored which were lost to him as a result of the above violation.”**

**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 employee 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.**

**This dispute was not conferenced on the property. The Board therefore has no jurisdiction to consider the merits of the claim. See Third Division Award 33916:**

**“ . . . [C]onsideration of claims in conference on the property is a jurisdictional prerequisite for Board consideration of a claim. See, e.g., Third Division Awards 27482, 25761, 21627, and 21440.**

**In the instant case, since no conference was ever held on the property, the Board is without authority to take jurisdiction of the claim. Therefore, the claim must be dismissed.”**

**The claim shall be dismissed.**

**AWARD**

**Claim dismissed.**

**ORDER**

**This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

**Dated at Chicago, Illinois, this 22nd day of May, 2001.**