

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 36548  
Docket No. MS-36734  
03-3-01-3-296**

The Third Division consisted of the regular members and in addition Referee Ann S. Kenis when award was rendered.

(George Mitchell

**PARTIES TO DISPUTE:** (

(Union Pacific Railroad Company

**STATEMENT OF CLAIM:**

- “1. Does the extra board employee called for a particular anticipated layoff, in which the assigned personnel assumes their position have a responsibility to request additional duties?
2. Does the carrier have a responsibility to define the duties of the extra board employee to insure proper adherence to the extra board agreement?
3. Does the employee in absence of the unambiguous stated policy of the carrier have an additional duty to assume and execute, what the stated policy of the carrier should be?
4. If the carrier abandons his duty to maintain rules governing the manner of working Extra Board employees under a separate agreement covered in Rule 56, is the employee held accountable for the carrier negligence?”

**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 is a claim by an employee on his own behalf in which the alleged issues in dispute are set forth fully in the Statement of Claim. The Claimant contends in his argument before the Board that he was contacted on May 7, 2000 to cover a position. When he arrived, the incumbent of the position had reported for duty and the Claimant was sent home. He now seeks the guaranteed rate of pay.

The Carrier states that at no time was this matter raised on the property. Indeed, we have reviewed the record and find no evidence that Petitioner filed a claim with respect to the matters now presented before the Board.

Until claims or grievances are handled in the usual manner on the property, offering the Carrier an opportunity to refute allegations and/or to remedy the matter, the Board is without jurisdiction to review the case. The claim must therefore 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 8th day of May 2003.