

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

CHARLES O. THOMPSON

**THE ATCHISON, TOPEKA & SANTA FE RAILWAY
COMPANY—Coast Lines**

STATEMENT OF CLAIM: "I desire an award from the National Railroad Adjustment Board on the question of the Santa Fe Railroad's Closed Shop practice of demanding that I abide by Union Shop Agreement by agreeing to join the union **before** I am rehired back on my old job. This is in direct violation of the Railway Labor Act as amended in 1951 to permit employes and labor organizations to make union shop agreements, **but not closed shop agreements**—which is being practiced by the Santa Fe."

OPINION OF BOARD: The record clearly shows that Petitioner was not an employe of the Respondent Carrier, as the term "employe" is defined in Section 1, Fifth of the Railway Labor Act, at the time this dispute arose. Further, that the instant dispute is not one growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions between an employe and a carrier as provided in Section 3, First (i) of the Act.

Consequently, the Board has no jurisdiction over the subject matter of the controversy, or the necessary parties. It will therefore be dismissed.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the Petitioner involved in this dispute is not an employe of Respondent Carrier within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board lacks jurisdiction over the dispute involved herein.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June, 1960.