

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Wesley Miller, Referee

PARTIES TO DISPUTE:

THE ORDER OF RAILROAD TELEGRAPHERS
THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Atchison, Topeka & Santa Fe Railway that:

1. The Carrier violated and continues to violate the Agreement between the parties when it declined and continues to decline to assign employes covered by said agreement the work of transmitting and/or receiving communications of record now being handled by employes or persons not under the agreement by use of printing telegraph machines located in the Chicago and Los Angeles Reservation Bureaus;

2. The work of transmitting and/or receiving such communications of record at Chicago and Los Angeles shall be restored to the agreement and to the employes subject thereto;

3. If the Carrier elects to have the work of handling such communications of record performed by the use of printing telegraph machines located in the reservation Bureaus at Chicago and Los Angeles, it shall assign employes from the appropriate telegraphers' seniority roster to operate such printing telegraph machines including auxiliary machines used in the reperforation of tape in a secondary operation pertaining to the transmission and reception of such communications of record;

4. For each and every eight hour shift that such communications work is performed by use of printing telegraph machines and/or reperforators operated by employes not under the Agreement, the senior available employes on the appropriate telegraphers' roster shall be compensated an amount equal to a day's pay at the printer clerk rate applicable to the particular location.

EMPLOYES' STATEMENT OF FACTS: Agreements between the parties bearing effective date of December 1, 1938, and June 1, 1951, are in evidence.

Many years ago the Santa Fe established a ticket office and reservation bureau at 179 West Jackson Blvd., Chicago, Illinois, with a telegraph office

All that is contained herein has been both known and available to the Employees and their representatives.

OPINION OF BOARD: The above Claim was originally filed with this Division on June 15, 1951, and was assigned Docket TE-5828. On May 7, 1954, it was dismissed without prejudice by the Board by issuance of Award 6604. The Record reveals that the Organization attempted to revive it by letter directed to the highest designated officer of the Carrier on March 15, 1955. Subsequently on the 16th day of August, 1955, the Claim was resubmitted to this Board and docketed as TE-8070.

At the time that the Organization refiled this Claim, some doubts existed in regard to whether the Board was empowered to rehear a claim disposed of by an award of the Board dismissing the claim "without prejudice."

These doubts have since been resolved by a continuing line of Awards. It is now well established on the Third Division that the Board does not have jurisdiction to reconsider and/or rehear what in effect is the identical claim previously disposed of by the Board by a decision dismissing the claim "without prejudice."

Accordingly, this Claim must be rejected on jurisdictional grounds.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the present Claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 13th day of April 1962.