

Award No. 14876
Docket No. MS-15673

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

CAREY S. WILSON, CLAIMANT

SAVANNAH & ATLANTA RAILWAY COMPANY

STATEMENT OF CLAIM: NOTICE is hereby given of the intention of the claimant, CAREY S. WILSON, to file an ex parte submission of facts on or before May 1, 1965. The question presented by this dispute is whether or not a furloughed employee, who is the most senior such employee on furlough forfeits his seniority rights by bidding upon only one of two bulletined positions, under the provisions of the Railway Labor Act, and of the agreement between the Savannah & Atlantic Railway Company and the Brotherhood of Railway and Steamship, Clerks, Freight Handlers, Express and Station Employees, effective April 1, 1961.

OPINION OF BOARD: Claimant held seniority on Clerk's roster of January 1, 1964 as of July 16, 1959. He had been furloughed on January 1, 1964. Two clerical positions were bulletined on February 10, 1964 and copies were mailed to Claimant. Claimant bid on one of the bulletined positions (C-590), but did not bid on the other position (C-589). An employee senior to Claimant bid on and was awarded position C-590. On March 2, 1964 Claimant was notified by letter that his (Claimant's) seniority had been forfeited and his name was being removed from the roster.

The record discloses that this claim was never appealed to the highest designated officer, on the property, authorized to handle such matters. Also no conference was ever held on this property prior to submission of the dispute to this Board in accordance with the National Railway Labor Act. Therefore, this Claim must be dismissed. See Awards 13235 (Dorsey), 13561 (Hutchins), and 13659 (Mesigh).

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 does not have jurisdiction to consider the merits of this dispute because of improper handling on the property.

AWARD

Claim dismissed because of lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 21st day of October 1966.