

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20244

Docket Number SG-19898

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(The Long Island Rail Road Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on The Long Island Rail Road that:

Carrier's Supervisor-Sick Leave Administration, M. G. Clemens, rescind her letter of May 26, 1971, addressed Assistant Signal Foreman L. A. Schulz which stated: "In the future it will be necessary for you to submit a Dr's certificate for each illness."

OPINION OF BOARD: The Claim in this matter contains an assertion of fact but no indication of Agreement violation and requests no specific relief. The submission of Petitioner and the correspondence on the property indicate that the Claim concerns a "protest" of a letter received by Claimant from a Carrier official which stated inter alia: "In the future it will be necessary for you to submit a Dr's certificate for each illness". Petitioner has demanded, in correspondence only, that this letter be rescinded.

The record reveals that Claimant obeyed the injunction quoted above, without protest, in further requests for sick leave, and was paid for all sick leave days involved. Further, Claimant retired on July 27, 1971 subsequent to this issue being raised.

The Board is not empowered to consider the dispute herein presented on its merits. We are precluded from such consideration on two grounds: 1. No violation of the Agreement is alleged and no specific relief is sought; 2. the implicit remedy sought would make a determination of future hypothetical rights of the parties. Additionally, of course, the Claim is moot.

We have held consistently that the Board has no power to grant declaratory relief (see Award 16441). Furthermore the dispute in this case was not handled in the usual manner in accordance with the provisions of the Railway Labor Act.

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

That the parties waived oral hearing;

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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 Claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1974.