

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20455  
Docket Number MS-20421

Frederick R. Blackwell, Referee

PARTIES TO DISPUTE: (Robert L. Coy  
(  
(The New York & Long Branch Railroad Company

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on (30 days from date of this notice) covering an unadjusted dispute between me and the New York and Longbranch Railroad involving the question:

Between the dates of November 28, 1972 and April 19, 1973 I was a furloughed employee of the New York and Longbranch Railroad, Maintenance of Way Department. Pursuant to a 1966 Labor-Management Agreement I was entitled to payment of \$433.44 per month guarantee monies. This money has not been forthcoming and in consequence I am filing this claim.

OPINION OF BOARD: Claimant, Robert L. Coy, comes to this Board with Statement of Claim as quoted above, seeking contractual benefits in accordance with these Parties' 1966 Protective Agreement.

Public Law Board No. 1279, Award No. 1, between these same Parties, had before it as Docket No. MW-836, a claim which reads:

- "1. The Carrier violated the provisions of the Protective Agreement of February 17, 1966 and the Agreements of March 19, 1969 and December 17, 1970, when at close of work on November 28, 1972, it abolished the positions of certain protected Track and B&B employees listed as follows:

\*(See Attachment 'A')

2. Carrier shall return these protected employees, as named, to Carrier's service and compensate them for all monetary losses sustained, due to Carrier's violation of these referred-to-Agreements. And additionally, all other employees adversely affected."

\*Robert Coy

It is clear that the question brought to this Board, by Claimant here, has been heard and disposed of by Award No. 1, Public Law Board No. 1279, which stated that:

"All of the furloughed employees covered by this claim were recalled by the Carrier in early 1973, and additional employees were hired. The record discloses that Carrier failed to comply with its contractual commitments with the Organization in connection with the subject furlough action but the evidence is insufficient to permit the Board to now fashion a detailed remedy. This case is therefore remanded to the parties for the development of such facts as are necessary for the determination of the appropriate remedy. If the parties are unable to arrive at a settlement on the remedy question, the matter shall be returned to the Board for resolution of this portion of the dispute."

In order to prevent chaos and multiplicity of appeals, the claim will be dismissed for the reason that the issue involved concerning claim here has been determined by Public Law Board No. 1279, which is a tribunal of coordinate jurisdiction with this Division and whose decisions are likewise final and binding. Therefore, this claim is dismissed for lack of jurisdiction by this Division.

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;

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; and

That this Division lacks jurisdiction of the claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.