

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21667
Docket Number MS-22058

PARTIES TO DISPUTE: (John C. Kocovsky
(
(Transway-Universal Carloading and Distributing
(Company, Inc.

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 May 15, 1977, covering an unadjusted dispute between me and Universal Carloading & Distr. Co. (Transway International Corp) 977 West Cermak Road, Chicago, Illinois 60608 involving the question:

DISCRIMINATION BECAUSE OF UNION ACTIVITY
UNJUST TREATMENT
HARASSMENT
DISPLACEMENT FROM POSITION OF CHIEF CLERK
TO OFFICE MANAGER

Request being restored to former position, and restitution for all wages lost because of this displacement.

OPINION OF BOARD: The Respondent in this case has challenged the jurisdiction of this Board to adjudicate this dispute because of the unchallenged fact that Universal Carloading and Distributing Company is a freight forwarder operating under Part IV of the Interstate Commerce Act and, therefore, subject to the jurisdiction of the National Labor Relations Act, as amended, rather than the Railway Labor Act, as amended.

With this contention we agree. This claim must be and is hereby dismissed.

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 Employee involved in this dispute are not Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board does not have jurisdiction over the dispute involved herein.

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Claim dismissed for lack of jurisdiction.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *C. W. Pauloz*
Executive Secretary

Dated at Chicago, Illinois, this 18th day of August 1977.

