

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22079  
Docket Number MS-21986

Don Hamilton, Referee

PARTIES TO DISPUTE: (Morris Z. Bishop  
(  
(Seaboard Coast Line Railroad Company

STATEMENT OF CLAIM: 1. Carrier violated the agreement when it allowed Mr. H. P. Moore to displace Mr. M. Z. Bishop from his regular assignment on June 14, 1976:

2. Carrier shall now compensate Mr. M. Z. Bishop at the Time and one-half rate for June 14, 1976 and each succeeding date that he is required to work outside of his assignment.

3. Carrier shall restore Mr. M. Z. Bishop to his regular assignment at the earliest opportunity.

OPINION OF BOARD: It is clear from the record that the claim presented was not handled in conference with the highest designated officer of the Carrier prior to submission to this Board. It is well settled that such a conference is a jurisdictional prerequisite and no dispute may be submitted to the Board in the absence of same.

The claim, therefore, has not been handled in the usual manner under Section 3, First (i) of the Railway Labor Act or Section 2 thereof. The claim will, therefore, be 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 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 be dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of May 1978.

