

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22366  
Docket Number TD-22066

Don Hamilton, Referee

PARTIES TO DISPUTE: { Burlington Northern Inc.  
{ American Train Dispatchers Association

STATEMENT OF CLAIM: "Claim of the Carrier that there is no language in Article 3(f) or any other rule of the current schedule agreement which was violated by the manner in which positions No. 2, 4, 5, 16 and 17 were assigned on Bulletin No. 1 effective 8:00 AM, April 3, 1971 at the Carrier's Minneapolis, Minnesota train dispatching office."

OPINION OF BOARD: The language of Section 3, First (i), of the Railway Labor Act and the Regulations of the National Railroad Adjustment Board (Circular No. 1, October 10, 1934), require full compliance with the procedures set forth therein governing the process of disputes on the property before being submitted to the National Railroad Adjustment Board for adjudication.

The record before the Board clearly indicates that the claim involved herein was not handled on the property between the parties in the manner contemplated by the Railway Labor Act or the National Railroad Adjustment Board. Therefore, the claim is dismissed.

A claim was filed with this Board November 28, 1978 involving issues similar to those alleged herein. This award specifically is to have no bearing on any of the substantive issues to be determined therein.

Discussion has been presented to this Board concerning the possible use of the language of this award to justify certain strike action at some future time. It is specifically held that no significance should be attached to or inference or conclusion drawn from this award which would in any manner be considered relevant to any strike situation.

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 is not properly before the Board.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of March 1979.

