

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Soo Line Railroad Company

STATEMENT OF CLAIM: "Claim of the System of the Brotherhood that:

(1) The discipline imposed upon Section Laborer A. Sundem for alleged failure to report for work to assist U. S. Custom working trains at Noyes, Minnesota on June 1 and 2, 1985, was in violation of the Agreement (System File 13-6(a,b) [13-1(a,b,c,)]/G-97-5-A-1).

(2) The claimant's record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The record before the Board shows that the Claim was never the subject of a conference on the property. The jurisdictional requirement that a dispute be handled in accordance with the provisions of the applicable Collective Bargaining Agreement and the customary practices of the parties is spelled out clearly in Section 153, First (1) of the Railway Labor Act which, in pertinent part, provides:

"(1) The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions...shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes;..."
(Emphasis added)

In addition, Section 2, Second of the Act provides:

"Second. All disputes between a carrier or carriers and its or their employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carrier or carriers and by the employees thereof interested in the dispute." (Emphasis added)

The Board has consistently held that failure to hold a conference on the property deprives the Board of jurisdiction to hear the dispute. Third Division Awards: 25801, 25712, 25429, 25345, 25298, 25252, 23466. We therefore have no choice but to dismiss the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.