

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30821  
Docket No. SG-31458  
95-3-92-3-904

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Delaware and Hudson Railway Company

STATEMENT OF CLAIM:

"Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Delaware and Hudson Railway Company:

1. Claim on behalf of J. L. Fargo for reinstatement with full back pay on account Carrier violated the current Signalmen's Agreement, particularly Article 12, when it dismissed the Claimant without conducting a fair and impartial investigation."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

After careful review of the record in this matter, the Board is compelled to find that we lack jurisdiction to consider the merits of the instant dispute. Nowhere does the record indicate that a conference was ever held or requested on the property. The absence of a conference requires us to find that the dispute has not been handled in accordance with the Railway Labor Act and Circular No. 1 of this Board. Accordingly, we have no choice but to dismiss this claim. See, e.g. Third Division Award 26867; Second Division Award 10421.

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AWARD

Claim dismissed.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 27th day of April 1995.