

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42334  
Docket No. MS-42704  
16-3-NRAB-00003-120342**

The Third Division consisted of the regular members and in addition Referee Barry E. Simon when award was rendered.

**PARTIES TO DISPUTE:** (Scott D. Moore  
(CSXT Transportation, Inc.

**STATEMENT OF CLAIM:**

“The Brotherhood of Railroad Signalmen along with CSX Transportation have agreed on property to change my seniority date from June 13, 2006 to December 7, 2007 without me ever being separated from the carrier (CSX). I have proof of all payroll and proof of never missing a union payment which is all through CSX Payroll Department and paper documents from the carrier (CSX) stating I never resigned from them. Apparently this dispute has been on-going since 2007 without me ever being notified of the situation and they have just recently agreed together to change my seniority date from June 13, 2006 to December 7, 2007 this year 2012, by notice of looking at the new rosters. I (Scott D. Moore) #XXXXXX would like to have my seniority reinstated to June 13, 2006 when I was hired by the carrier (CSX) and have worked for since that time.”

**FINDINGS:**

The Third Division of the Adjustment Board, upon the whole record and all 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.

The Carrier asserts that the Petitioner had never requested a conference to discuss this claim on the property. Such a conference, as a prerequisite to filing a claim before the Board, is required by both Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the Board. Each directs that disputes be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such dispute. The record before the Board does not indicate that such a conference was ever held. Board precedent supports the dismissal of a claim without consideration of the merits where the claim has not been conferenced on the property. See, e.g., Third Division Awards 37134 and 41379.

Because the Board lacks subject matter jurisdiction in this instance, the claim must be dismissed.

**AWARD**

Claim dismissed.

**ORDER**

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 28th day of July 2016.