

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 42894  
Docket No. MS-43306  
18-3-NRAB-00003-150326**

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

**(B. L. Oakley**  
**PARTIES TO DISPUTE: (**  
**(Norfolk Southern Railway Company**

**STATEMENT OF CLAIM:**

**“The Norfolk Southern Corporation, specifically the Norfolk Southern Railway Company violated the terms of the current agreement effective July 1, 2012, specifically Rule 29, when it dismissed Carman B. L. Oakley with the Norfolk Southern Railway Company and all of its affiliates.**

**That now, as just and proper relief, the Norfolk Southern Railway Company, hereinafter referred to as the Carrier, will immediately return Carman B. L. Oakley to compensated service with his seniority and vacation rights unimpaired; will make him whole for all lost wages as a result of his dismissal, including eight (8) hours per assigned work day, to include any and all overtime that he may have been eligible to work; that he be made whole for any vacation pay due him; and that he be made whole for any and all out of pocket medical expenses he may have incurred as a result of his dismissal, and that his record be expunged of this incident in its entirety.”**

**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.

At the October 20, 2017, hearing of the Board in this case, the Board determined that since this case involves the Carmen Division, this matter should have been sent to the Second Division. As the Board lacks jurisdiction over this dispute, 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 Petitioner(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Dated at Chicago, Illinois, this 10th day of January 2018.