

BEFORE PUBLIC LAW BOARD NO. 4278

BROTHERHOOD RAILWAY CARMEN OF THE
UNITED STATES AND CANADA
and
GREEN BAY AND WESTERN RAILROAD COMPANY

Case No. 1

Dispute: Claim of Employees:

1. That at the Green Bay departure yard on February 17, 1986, the Green Bay and Western Railroad Company violated the controlling agreements when they assigned train crew members, other than Carmen, to inspect, couple the air, and test the air, on trains departing from the Green Bay departure yard after annulling the carman's position on that shift, leaving Carman Ivan Grove off due to being deprived of his work.
2. That Carman Ivan Grove be compensated in the amount of eight hours pay at the rate of 19.89 per hour, for the date of February 17, 1986, in which the Carrier violated the agreements and assigned the train crews to the Carmens work on February 17, 1986.

Findings:

February 17, 1986, Washington's birthday, was observed as a holiday by Carrier; on that day, no car inspector was on duty at Norwood Yard, which is within the Green Bay Yard Limits. On the date in question, Carrier assigned train crews to insect, couple air hoses, and test air brakes on trains within the Green Bay departure yard. The parties are in dispute as to whether said trains left the departure yard or only moved within the yard's limits. The Organization thereafter filed a claim on Claimant's behalf, asserting that Claimant had been deprived of the disputed work.

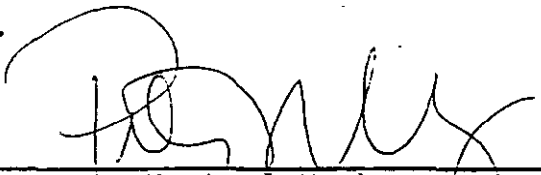
Before reaching the merits in this case, this Board must be absolutely certain that the parties have complied with the procedural requirements set forth in their agreement and in the applicable rules. As the Organization has pointed out, Circular No. 1, setting forth the rules and procedures of the National Railroad Adjustment

Board, requires that all submissions setting forth the position of the Carrier "must be signed by the parties submitting the same."


In the case at hand, the Carrier's submission was not executed; and for that reason alone, the claim must be sustained. It is not necessary for this Board to reach the merits of the dispute since the claim was never appropriately responded to and, therefore, must be granted. (See Third Division Awards 23283 and 23170.)

Award:

Claim sustained.



Neutral Member



Carrier Member



Organization Member

Date: March 24, 1988