

Award 16752

Docket 31111

NATIONAL RAILROAD ADJUSTMENT BOARD

FIRST DIVISION

39 South La Salle Street, Chicago 3, Illinois

With Referee Boyd Leedom

PARTIES TO DISPUTE:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

STATEMENT OF CLAIM: "Claim of Engineer A. J. O'Brien for reinstatement with seniority unimpaired, with pay for time lost since December 21, 1951, when dismissed from the service."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended.

Hearing was held.

There is nothing in this record to show that this claim was handled in conference on the property as required by the Railway Labor Act and the procedural rules of this Board. The reasonable conclusion to be drawn from the record is that there were no conferences. Under numerous awards of this Division, with and without Referees, it has properly been held that under these circumstances this Board has no jurisdiction.

Conferences held in good faith on close questions by representatives of the parties, who are highly skilled and well informed, should and no doubt do settle innumerable disputes thereby avoiding the delay, inconvenience, and expense of submitting them to this Board. It is well to adhere quite strictly to the principle that such conferences must be held on the property.

If, as the record indicates, conferences were not held as required in this dispute, it is entirely possible that a conference held now will result in an adjustment of differences.

AWARD: Claim remanded in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **FIRST DIVISION**

ATTEST: (Signed) J. M. MacLeod
Executive Secretary

Dated at Chicago, Illinois, this 6th Day of October, 1954.