

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Award 21 870

Docket 42 665

PARTIES (Vincent E. Gallagher and Joseph Fagan
TO (
DISPUTE (
(New Hope and Ivyland Railroad

STATEMENT OF CLAIM: "The New Hope and Ivyland Railroad, a class #2 common carrier, violated the following sections of the Railway Labor Act.

"UNDER HEADING GENERAL PURPOSES

Items 2-3-4 & 5

" UNDER HEADING OF GENERAL DUTIES

Items 1-2-3-4-6- & 8"

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, and that this Division has jurisdiction.

Hearing was waived.

This is a protest against the Carrier's termination of Claimants' employe relationship, allegedly in violation of the Railway Labor Act, as amended.

The Petitioner cites Section 2, First, Second, Third and Fourth of the Railway Labor Act, as amended, as controlling the disposition of the matter under complaint. The provisions of this portion of the Railway Labor Act are administered by the National Mediation Board, therefore, disputes involving those provisions are referable to that Board or in appropriate cases, to the Courts.

The jurisdiction of this Division of the National Railroad Adjustment Board is limited by Section 3, First (1) of the Railway Labor Act, as amended, to disputes growing out of grievances or out of the interpretation or application of agreements between carriers and their employes. There is no contractual agreement between the parties covering the crafts involved, consequently, there is no basis for proceeding before this Board.

AWARD: Protest dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
BY ORDER OF FIRST DIVISION.

DATED AT CHICAGO, ILLINOIS
THIS 8th DAY OF March 1972.

ATTEST: *E. A. Killeen*
Executive Secretary