

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISIONAward No. 24544
Docket No. 44271
95-1-94-1-S-6670

The First Division consisted of the regular members and in addition Referee Robert Richter when award was rendered.

PARTIES TO DISPUTE: (United Transportation Union
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(SOO Line Railroad Company

STATEMENT OF CLAIM:

"Job Security Allowance (JSA) claim of \$115.39 in favor of Muscatine Switchman T.E. McCoy resulting from alleged refusal to protect Switch assignment #1833 on rest day which was conferenced on November 22-23, 1993. (UTU File: 36-B (1056) - Carrier File: 3-00025-012)."

FINDINGS:

The First 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 Claimant is a protected employee under the terms of the July 1, 1985 Employee Protective Agreement. The Organization argues that the Carrier improperly deducted earnings the Claimant could have made had he worked on his rest days.

The Carrier takes the position that the case is improperly before this Board. It argues that the July 1, 1985, EPA, provides for a separate arbitration procedure to handle disputes arising from the Agreement. Section 13 provides for the manner in which the disputes are to be resolved.

This Board has consistently dismissed claims when a separate dispute resolution is spelled out in the Agreement. We will do likewise in this case.

AWARD

Claim dismissed.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 21st day of November 1995.