

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: (System Federation No. 156, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Electrical Workers)
(
(The Long Island Rail Road Company

Dispute: Claim of Employees:

1. That the Carrier failed to disallow an appeal within the sixty (60) days for Electricians McCormack and Anderson.
2. That the claim as presented in the appeal letter dated November 29, 1971 be allowed.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

Parties to said dispute were given due notice of hearing thereon.

The gravamen of this dispute is that Carrier violated Article I of Mediation Case No. A-7418 "when the two involved employees were not given proper and adequate notice as provided in said agreement."

In the initial handling on the property*/ Carrier asserted that:

"The Mediation Agreement Case No. A-7418 you claim we violated is not applicable in this case, and was not violated in any instance."

*/ In its rebuttal the Organization contended that:

"At no time did the Carrier refer to the (Mediation Agreement No. A-7418) in their correspondence while the appeal hearings were being progressed on the property in accordance with the Grievance procedure."

The Board finds that this contention is without merit.

Article V of the June 30, 1965 Mediation Agreement Case No. A-7418 provides for the resolution of claims arising thereunder by a Special Board of Adjustment. Section 8 of Article V grants "exclusive jurisdiction" to such Special Board of Adjustment over such disputes.

This Board therefore has no jurisdiction to consider the matters presented, and the dispute must be dismissed for want of jurisdiction.

In light of the above, we will not consider the question of whether Carrier failed to disallow an appeal within the 60 day period.

A W A R D

Claim dismissed for lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of February, 1974.