

PARTIES TO DISPUTE: (Harold G. Buckner
(
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

- "(1) The correction of my seniority.
- (2) The displacement of myself from my job on Section 5A17 by employee C.C.Davis I.D. 159506."

FINDINGS:

The Third 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 employes 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 record before the Board is clear that the Claim that the Petitioner is attempting to assert before the Board was not handled on the property in accordance with the requirements of Sections 152, Second and 153, First (i) of the Railway Labor Act as required by Circular No. 1 of the National Railroad Adjustment Board before the Petitioner filed his June 2, 1990 Notice of Intent with the Board.

Suffice to say that under Section 152, Second, it is mandatory that all disputes must be considered, and, if possible, decided, with all expedition, in conference between the parties on the property. Such a conference is a prerequisite to any case being referred to this Board. The purpose of this Section of the Act was to encourage settlement of disputes between the parties, rather than "automatic" referrals of disputes to the Board.


The record of this case indicates that no conference relative to this Claim was held on the property prior to its submission to the Board. Accordingly, we have no alternative but to dismiss the Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 16th day of November 1990.