

NATIONAL RAILROAD ADJUSTMENT BOARD
FOURTH DIVISION

Award Number 4513

Referee Herbert L. Marx, Jr.

Docket Number 4520

PARTIES Lawrence A. McCabe

TO

DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Unfair labor practices against me by Conrail.

OPINION OF BOARD: Claimant was employed by the Carrier in a series of non-agreement management positions until 1981. He was then placed in a clerical position, represented by the BRAC Organization. This change was made, according to the Carrier, based on "reductions ... in the work-force" of the Carrier.

The various claims and allegations made by the Claimant do not appear to concern violation of any BRAC Agreement in reference to his service in a clerical position. Rather, the claims and allegations concern the Claimant's perception of unfair treatment in 1981; and thereafter in reference to retention or placement in a management position. There is no sanction for this Board to concern itself with matters involving non-agreement management positions. As provided in Section 3, First (i) of the Railway Labor Act, the Board is concerned only, as to individuals, with "disputes between an employee ... and a Carrier ... growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules or working conditions"

The allegations made by the Claimant thus have no standing for review by the Board.

FINDINGS:

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

The Carrier and the 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.

The parties to said dispute were given due notice of hearing thereon.


The parties to said dispute were granted the privilege of appearing before the Division, with the Referee sitting as a member thereof, to present oral argument.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

ATTEST:


Nancy J. Dever
Executive Secretary

Dated at Chicago, Illinois, this 26th day of March 1987.