

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION**

Award No. 25249

Docket No. 44872

01-1-99-1-S-6786

The First Division consisted of the regular members and in addition Referee Barry E. Simon when award was rendered.

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

STATEMENT OF CLAIM:

"Claim in behalf of Mr. J. R. Cruciani for Job Security Allowance (JSA) for the month of April, 1997."

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 Organization asserts the Claimant made a timely claim for his Job Security Allowance in accordance with the 1985 Employee Protection Agreement. It argues that the Carrier failed to deny the claim within the 60-day time limit.

The Carrier contends the Employee Protection Agreement contains its own dispute resolution procedure that provides for an Arbitration Board, and that such a Board would have exclusive jurisdiction over claims arising under the Agreement.

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Upon review of the relevant provisions of the Employee Protection Agreement, the Board concludes the dispute resolution process therein is exclusive. Accordingly, the Board finds it is without jurisdiction to consider this claim. It must, therefore, be dismissed.

AWARD

Claim dismissed.

ORDER

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

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of First Division

Dated at Chicago, Illinois, this 30th day of July, 2001.