

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

Award No. 13635

Docket No. 13558

01-2-00-2-34

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

(Brotherhood of Railway Carmen Division/

(Transportation Communications International Union

PARTIES TO DISPUTE: (

(Springfield Terminal Railway Company

STATEMENT OF CLAIM:

“Claim of the Committee of the Union that:

1. The Springfield Terminal Railway Company violated the terms and directive of Public Law Board 6073 in Award 13, Case 13, when they failed to reinstate David M. McCaslin as directed by Neutral Member, Fred Blackwell.
2. That, accordingly, the Springfield Terminal Railway Company be ordered to compensate Carman David M. McCaslin in the amount of forty (40) hours pay at the straight time rate for the time he lost as a result of the carrier's delay in returning him to service.”

FINDINGS:

The Second 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.

Public Law Board No. 6073, Award 13, reinstated the Claimant without backpay with the following condition:

“The Carrier shall comply with this reinstatement directive immediately and not later than 5 P.M. April 16, 1999, with the Claimant being subject to the generally applicable return-to-work examination, including a drug and alcohol screen.”

The claim in this matter asserts that the Carrier failed to comply with that reinstatement condition.

The Board has no jurisdiction to consider compliance with an Award of a Public Law Board. Third Division Awards 31869 and 31870. Nor can the Board enforce the provisions of such an Award. First Division Award 24480. Relief, if any, must come from proceedings before that Public Law Board or, if appropriate, from enforcement proceedings in court.

The claim shall be dismissed for lack of jurisdiction.

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 Second Division

Dated at Chicago, Illinois, this 3rd day of July, 2001.