



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

January 26, 2011

(202) 692-5000

Sent via Facsimile and U.S. Mail

Mr. Robert Scardelletti, International President
Transportation Communications International Union
3 Research Place
Rockville, MD 20860

Mr. Donald Saunders, Acting General Manager
Massachusetts Bay Commuter Railroad
89 South Street, 8th Floor
Boston, MA 02111

**RE: NMB Case Number: A-13515, MBCR & TCU
Craft (s) or Class (es): Clerks**

Gentlemen,

In answer to our letter addressed jointly to your respective Carrier and Organization dated January 18, 2011 we have been advised by a letter dated January 19, 2011 from Robert Scardelletti, International President, Transportation Communications International Union, that the Organization has declined, in writing, to arbitrate the question in the above-captioned case. A copy of this letter is attached.

Your attention is therefore directed to the last clause in Section 5, First (b) of the Railway Labor Act, as amended, reading as follows:

If arbitration at the request of the Board shall be refused by one or both parties, the Board shall at once notify both parties in writing that its mediatory efforts have failed and for thirty days thereafter, unless in the intervening period the parties agree to arbitration, or an emergency board shall be created under Section 10 of this Act, no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time and dispute arose.

It is the judgment of our Board that all practical methods provided in the Railway Labor Act for our adjusting the dispute have been exhausted, without effecting a settlement.

In these circumstances, notice is hereby served on behalf of the Board that its services (except as provided in Section 5, Third and in Section 9A of the Act) have been terminated this day under the provision of the Railway Labor Act. Accordingly, unless the parties subsequently settle this dispute, or an emergency board is established, nonviolent self-help would be available commencing **12:01 a.m. EST, Saturday, February 26, 2011.**

By direction of the NATIONAL MEDIATION BOARD.



Lawrence E. Gibbons
Director, OMS, NMB

LEG/kab

Enclosure

Cc: Sean Ryan, DBS, P.C
Patricia Lucek, MBCR
Hugh Kiley, MBCR
Marie Breen, MBCR
Dennis Boston, MBCRLBC
Jim Mackenzie, NMB
Terri Brown, NMB
Board Members, NMB
Mary Johnson, NMB



Transportation Communications International Union

An affiliate of the International Association of Machinists and Aerospace Workers

Robert A. Scardelletti
International President



God Bless America

JAN 21 11 AM 10:19 MED

January 19, 2011

Via Fax and Overnight Mail

Lawrence E. Gibbons
Director, Office of Mediation Services
National Mediation Board
1301 K Street, NW
Washington, DC 20572

RE: NMB Case No. A-13515 (TCU Clerks), Rejection of Arbitration Proffer

Dear Mr. Gibbons:

This is in response to the National Mediation Board's letter dated January 18, 2011, which proffers arbitration in the above docketed mediation case.

The Transportation Communications Union respectfully declines the Board's proffer of arbitration in this matter.

Sincerely yours,

Robert A. Scardelletti
International President

cc: Dennis Boston, MBCRLBC Spokesman
Joseph Guerrieri, Jr., MBCRLBC Counsel
Donald Saunders, MBCR Acting General Manager
A. Maratea, IR
D. Lock, LC