

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

Parties to Dispute: (James E. Hare
(Missouri Pacific Railroad Company

Dispute: Claim of Employees:

(As stated in Carrier's Submission)

Claim of J. E. Hare based on the contention that he was improperly dismissed on June 16, 1978, as a carman apprentice at Avondale, Louisiana.

Findings:

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

The carrier or carriers and the employe or employees 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 waived right of appearance at hearing thereon.

The Claimant alleges that he was improperly dismissed from Carrier's service on June 16, 1978. However, no claim has ever been filed on Claimant's behalf in the manner required by Rule 23 of the Schedule Agreement. Of course, since no claim has ever been filed on the property protesting the Claimant's termination it could not have been "handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes," as required by Section 3, First (i) of the Railway Labor Act.

Inasmuch as the purported claim currently before this Division has not been handled in the usual manner on the property, we have no authority to consider the merits, if any, of the Claimant's complaint that he was unjustly terminated from the service of the Carrier. The claim must therefor be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
by Order of Second Division

ATTEST:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1985.