

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12352
Docket No. 12297-I
92-2-91-2-97

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Gerald W. Harding
(Tuscola & Saginaw Bay Railway Company, Inc.

STATEMENT OF CLAIM:

Mr. Harding was fraudulently coerced into resigning from the company in violation of company policy as provided in Rule 19 of the Collective Bargaining Agreement. The details of the claim and the facts behind it are included in the exhibit attached to this letter.

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 employees 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 Board notes that the Claimant initially submitted this claim to the First Division of the Board. The First Division dismissed the claim in Award 24083. Accordingly, while we are not unmindful of the arguments presented by the Claimant, we also are required to dismiss the claim because the matter has been disposed of by the First Division. When a Claimant selects a Division which does not have jurisdiction, he must accept the consequences of the erroneous choice.

A W A R D


Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 10th day of June 1992.