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NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 6415
Docket No. 6238-I
2-N&W-I-'73

The Second Division consisted of the regular members and in addition Referee Irving R. Shapiro when award was rendered.

Parties to Dispute: (J. L. Eller, Petitioner
(
(Norfolk and Western Railway Company

Dispute: Claim of Petitioner:

Employee makes claim for severance pay of one (1) year's salary and vacation pay of one hundred ninety-two (192) hours, because Carrier abolished his position without due notice, explanation and reason, on October 15, 1971, and October 22, 1971, and did not notify Employee of any basis therefor until Carrier mailed a notice to Employee on December 22, 1971.

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 employes involved in this dispute are respectively carrier and employe 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.

It is clear from the record that the claim the Petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim is barred from consideration by the Division and will be dismissed.

A W A R D

Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: *E. A. Killen*
Executive Secretary

Dated at Chicago, Illinois this 3rd day of January, 1973.