

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: { Sammie H. McCaskill, Petitioner
{
{
{ Chicago and North Western Transportation Company

Dispute: Claim of Employees:

My statement of claim is not being considered for set up Machinist. I state that I should have been considered for the next opening for a Machinist job since I am the next one up according to my seniority. Instead two other men with less seniority were given the job.

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 were given due notice of 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, Circular No. 1 of the National Railroad Adjustment Board and as required by Section 3, First (i) of the Railway Labor Act. Therefore the claim is barred from consideration by the Division and will be dismissed. See the following Second Division Awards: 6829, 6874, 6810, 6941, 6953, 6555, 6520, 6506, 6496 and 6484.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of January, 1976.