

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

Parties to Dispute: { Donald J. Meyer  
{ Burlington Northern Inc.

Dispute: Claim of Employees:

I feel that I have been unjustly dealt with and denied my rights.

I made every effort to displace a junior man according to my seniority and if I did not it was because no roster was posted.

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.

This claim was not handled by the claimant pursuant to Sections 2 and 3 First (i) of the Railway Labor Act, as amended, in that no conference was held prior to the claim being submitted to this Board. Accordingly it is barred. See Third Division Awards 11434, 11484, 11896, Second Division Awards 4852, 6239 and 6540.

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 29th day of October, 1976.