

The Second Division consisted of the regular members and in addition Referee Marty E. Zusman when award was rendered.

Parties to Dispute: (Frank M. Flynn
(The National Railroad Passenger Corporation

Dispute: Claim of Employees:

This claim is on behalf of Employee, Frank Flynn, Sheet Metal Worker, a member of the Sheet Metal Workers International in the employ of Carrier, The National Railroad Passenger Corporation, hereinafter "the Carrier", for reinstatement of employment, seniority and for lost wages from his date of discharge on March 27, 1982, until the date of his reinstatement.

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 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 were given due notice of hearing thereon.

After a thorough review and careful consideration of the record in this dispute, this Board is compelled to forego both a discussion of and a determination on the merits of the instant case because of jurisdictional considerations which are controlling in the case at bar. The considerations which govern this Board's authority preclude its deliberations of any claim which fails to comply with the requirements of Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Specifically, this Board may not rule on the merits of a claim unless said claim falls within Agreement provisions of the parties, is properly appealed within time provisions and with an appropriate conference held on the property. These and other procedures must occur and be "handled in the usual manner" before such disputes may be considered properly submitted to this Board. This Claim is therefore barred from consideration by long established and consistent past rulings of the National Railroad Adjustment Board (Second Division Awards 9090, 9023, 7155, 6555).

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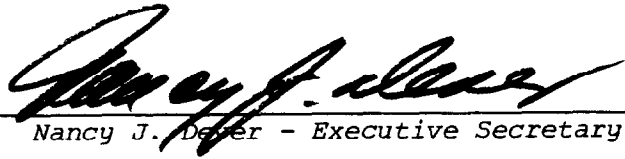
Award No. 10421
Docket No. 10229-I
2-NRPC-I-SMW-'85

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 5th day of June 1985.