

Award No. 6837
Docket No. MSX-7065

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

M. R. FLAMMIA, ASSORTER

(Represented by Mr. Fred R. Profeta, Attorney-at-Law, New York,
New York)

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Petitioner, M. R. Flammia, claims that his dismissal from service was unwarranted and not based on sufficient evidence.

OPINION OF BOARD: The record shows that the alleged dispute covered by this docket is not properly before this Board for the reason that it was not handled "in the usual manner" as provided for in Section 3, First (i) of the Railway Labor Act, as Amended, and as set forth in the rules of the Agreement between The Railway Express Agency, Inc., and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties to this dispute waived or did not request hearing thereon;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That in accordance with Opinion, claim is dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois this 19th day of January, 1955.