

Award No. 11346

Docket No. MS-12745

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

CLYDE PAYNE

**CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claimant, CLYDE PAYNE, alleges that he was wrongfully discharged by the respondent company and that he should be rightfully restored to his former position with pay from the time of his wrongful discharge to the present.

OPINION OF BOARD: The claim in this case presents the request of Clyde Payne of Carrier's Sleeping & Dining Car Department for reinstatement and back pay.

The record reveals that the claim before the Board was never submitted to or properly handled with the Carrier as required by Section 3 First (i) of the Railway Labor Act.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

That this Division of the Adjustment Board has no jurisdiction over the dispute involved herein; and,

That the claim is barred.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 26th day of April, 1963.