

Award No. 16524

Docket No. MS-16963

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Arthur W. Devine, Referee

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**PARTIES TO DISPUTE:**

**RICHARD E. HARRIS**

**THE PULLMAN COMPANY**

**STATEMENT OF CLAIM:** I requested to waive recall. I was attending night classes at John Marshall High School under the Intraining Adult Education program, which is in conjunction with the rehabilitation program of high school completion, sponsored by the City of Richmond, my present employer. My explanation was not satisfactory and my request was denied by Mr. J. J. Duss, Agent.

The particular question upon which an award is asked is Rule 49 Hearing.

Award: I wish to be reinstated and the request to waiver recall be granted.

**OPINION OF BOARD:** The record in this docket shows conclusively that the claim submitted to the Division was never handled on the property in accordance with the provisions of Rule 58 of the basic agreement, or as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. We have no alternative other than to dismiss the claim.

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

That the parties waived oral hearing;

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 this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Claim will be dismissed.

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 July 1968.