

Award No. 18266

Docket No. MS-18551

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

MR. J. M. HALE

LOUISVILLE AND NASHVILLE RAILROAD COMPANY

STATEMENT OF CLAIM: The interpretation and application of Section 3(b) of the Agreement of June 7, 1965 between the L&N R.R. Co. and its employees represented by the Transportation-Communication Employees Union. I, J. M. Hale, maintain that, as a result of my being furloughed in March 1968 and the proposed transfer of three older employees in April 1968, I am entitled to a separation allowance of \$7252.20 as provided in Section 3(b).

OPINION OF BOARD: The record is clear that the claim the Petitioner is attempting to assert before the Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred from consideration by the Division and will be dismissed.

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 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 13th day of November 1970.

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