

Award No. 18326
Docket No. MS-18488

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

MR. W. E. HARRIGAN

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

THE BALTIMORE AND OHIO RAILROAD COMPANY

and

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYEES**

STATEMENT OF CLAIM: Written notice is hereby served of my intention to file submission with your division of the Board covering the following claim against the following:

The Chesapeake and Ohio Railway Company
The Baltimore and Ohio Railroad Company
The Brotherhood of Railway, Airline and Steamship Clerks.

My claim is—to be carried on the C&O Railway Auditor of Expenditures roster with my payroll accounting seniority of January 31, 1941. To be removed from the B&O roster No. 65 (the same as the payroll accounting has been removed) and dovetailed into the payroll accounting rosters of the B&O RR roster No. 82 and the C&O Rwy. Auditor of Expenditures roster (the same as the work was dovetailed).

OPINION OF BOARD: The Claimant attempts before the Board to assert a claim that the Carriers and the Brotherhood of Railway and Steamship Clerks violated the effective Agreement covering Carriers' clerical and station employees.

This Board is without jurisdiction to decide a dispute between an employee and his Organization (Section 3, First (i) of the Railway Labor Act). We must, therefore, dismiss the claim against the Brotherhood of Railway and Steamship Clerks.

So far as the claim against the Carriers is concerned, the record is clear that the dispute was not handled on the property in the manner prescribed by Section 3, First (i) of the Railway Labor Act, the time limit rule of the applicable Agreement, or Circular No. 1 of the National Railroad Adjust-

ment Board. Therefore, the claim against the Carriers is barred and must 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 Carriers and the Employee involved in this dispute are respectively Carriers and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934; 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 11th day of December 1970.