



Award No. 18344
Docket No. MS-18579

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

MARION H. SINGLETON et al

**SOUTHERN PACIFIC TRANSPORTATION COMPANY
TEXAS AND LOUISIANA LINES**

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of our intention to file an ex parte submission on January 19, 1970 covering an unadjusted dispute between us and the Southern Pacific Transportation Company involving the question:

Vacation and Sick time promised us at the time of transfer to the Southern Pacific Transport Company which was not fulfilled fully by the carrier and is not being carried out now since returning to the Southern Pacific Transportation Company, as our file so indicated.

We have never resigned, as the carrier claims, and we feel we are entitled to this vacation and sick time which were the conditions upon our transferring.

OPINION OF BOARD: The record indicates that the claim was not handled on the Carrier's property pursuant to the provisions of the collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railway Adjustment Board. Accordingly, the claim is 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

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 17th day of December 1970.