

Award No. 18364

Docket No. MS-18834

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Gene T. Ritter, Referee

PARTIES TO DISPUTE:

MRS. NELDA F. MURRAY

**ALABAMA, TENNESSEE AND NORTHERN RAILROAD
COMPANY**

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on August 10, 1970, covering an unadjusted dispute between me and the Alabama, Tennessee and Northern Railroad involving the question:

I started the railroad training school on June 16, 1969, trained six weeks, and then two weeks and two days in the field. I went to work on seniority as an Extra Board Agent-Operator August 7, 1969, with the Alabama, Tennessee and Northern Railroad at Mobile, Alabama. I worked fifty-four days before I was called on the telephone and released or discharged. I have sought unsuccessfully to have the union take up my case.

I feel that I was denied fair representation in this case, was discriminated against because I was a woman, and wrongfully discharged without any reason.

OPINION OF BOARD: At Carrier's expense, Claimant attended classroom clerical school for six weeks and underwent on the job training for two weeks. She then worked several assignments for Carrier for a period of 54 days. On the 54th day (September 30, 1969), Claimant was notified by the Division Superintendent that her application for employment was disapproved as of that date. Claimant contends that she was wrongfully discharged and that she was discriminated against because of her sex. Carrier urges dismissal of this dispute for the reason that Claimant failed to progress this grievance on the property as required by Sec. 3, First (i) of the Railway Labor Act in accordance with the requirement contained in Article V of the August 21, 1954 National Agreement. On the merits, Carrier relies on Item 18 of the employment application signed by Claimant which is an agreement by Claimant that Carrier may approve or reject her application for employment for any reason or cause Carrier may deem proper. The record discloses that past practice of Carrier has been to make a decision on employment applications within 60 days from applicant's first assignment.

This Board finds that the contention of Carrier that this grievance was not properly progressed on the property is well taken, and that this Board

does not have jurisdiction to hear this dispute. Therefore, this case 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 31st day of December 1970.