



Award No. 18513

Docket No. MS-19029

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

MR. C. K. WITTHAR

GULF, MOBILE AND OHIO 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 30 days from date of this notice covering an unadjusted dispute between me and the Gulf, Mobile & Ohio Railroad Company involving the yard check of the blind siding at Highland Spur.

I claim I am not required to walk 6.8 miles to make a check of the cars at Highland Spur. I have been verbally instructed by Mr. C. G. Moore, Asst. Trainmaster, Kansas City, Mo., to check the Highland Spur.

Bulletin No. W-30, dated January 1, 1970, from Mr. A. H. Burton, Superintendent, Slater, Mo., states that Highland Spur is a blind siding. Rule 973 of Rules for the Government of the Operating Department states that conductors will prepare form 158-Revised when cars are set out at non-agency stations and copy will be furnished governing agency so that demurrage charges may be assessed.

OPINION OF BOARD: The record is clear that the claim the Petitioner attempts to assert before the Board has not been handled on the property in accordance with the requirements of Section 3, First (i) of the Railway Labor Act, the applicable Agreement and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred 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: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 23rd day of April 1971.