

Award No. 18588
Docket No. MS-19030

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Arthur W. Devine, Referee

PARTIES TO DISPUTE:

MR. JOSEPH L. SHIGGS

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intent to file an ex parte submission on or before August 26, 1970 covering an unadjusted dispute between me and the Penn Central Railroad Co., involving the question:

Lump sum separation allowance.

OPINION OF BOARD: The Carrier raises a procedural defect setting forth that this Board is without authority or jurisdiction to proceed in this matter on the grounds that this grievance was not progressed on the property in accordance with the provisions of the Railway Labor Act.

With this contention we agree. The claim as presented to this Board by Claimant herein was not handled on the property of the Carrier as required by Section 3, First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, or Rule 7-B-1 of the applicable collective bargaining agreement. Therefore, this claim is barred from consideration by this Board, and must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 June 1971.