



Award No. 18918
Docket No. MS-19459

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

FRANCES P. ERICKSON
(Formerly Frances P. Cornell)

THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)

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 July 18, 1971 covering an unadjusted dispute between me and the Chesapeake and Ohio Railway.

The Chesapeake and Ohio Railway violated the Rules of Agreement between the Chesapeake and Ohio Railway Company Pere Marquette District and That Class of Clerical, Office, Station and Store Employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, effective August 1, 1958; Rule 15, Reducing Forces, in part; Rule 43 (a) Health and Safety — Health and Welfare Benefits; Supplement 2, Section 4 of the 18th day of February, 1953; the Supplemental Vacation agreement in force at that time and the UB-4 (11-59), which has caused me anxiety, time lost and unpaid obligations.

Therefore, I ask that they may have to make restitution.

OPINION OF BOARD: 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 and Circular No. 1 of the National Railroad Adjustment Board or in accordance with the provisions 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, 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 December, 1971.