



Award No. 19178

Docket No. MS-19446

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

*William M. Edgett, Referee*

**PARTIES TO DISPUTE:**

**LEONARD T. DLUGOSZ**

**BUFFALO CREEK RAILROAD**

**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 upon 30 days from the date of this notice covering an unadjusted dispute between me and the Buffalo Creek Railroad involving an employment agreement which we entered into on April 3rd, 1968. Pursuant to that agreement the Buffalo Creek Railroad agreed and promised to employe (sic) me as General Agent at an agreed annual salary, for an indefinite period of time. It was further agreed that if my position as General Agent were abolished I would continue to be employed by the Buffalo Creek Railroad, would be allowed to exercise seniority and would continue to receive wages at the same rate given me as General Agent.

There is also an unadjusted dispute between us involving the denial of my right to overtime work in accordance with my seniority.

**OPINION OF BOARD:** In Award No. 18350 (Dorsey) the Board said:

"The record is clear that the claim the Petitioner is attempting to assert before the Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred from consideration by the Division and will be dismissed."

This claim must also be dismissed, for the reasons expressed in Award No. 18350.

**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 must be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: E. A. Killeen  
Executive Secretary

Dated at Chicago, Illinois, this 12th day of May 1972.