

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19410
Docket Number MS-19564

Frederick R. Blackwell, Referee

(Webb L. Williamson

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company
(- Dining and Sleeping Car Service -

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 27, 1971 covering an unadjusted dispute between me and the Santa Fe Railway Company, involving the question:

THAT:

Hearing held for and in my behalf on June 25th, 1970, resulting from charges of insubordination, was biased, prejudicial and unfair. The transcript taken on above date bears witness to the fact that no insubordination transpired. In light of the transcript, I feel that the imposed discipline of sixty (60) days was unjust and unwarranted.

OPINION OF BOARD: Review of the record in this docket clearly shows that the claim Petitioner is attempting to assert before this 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. Therefore, the claim is barred from consideration by the Division 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.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1972.