

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19778
Docket Number MS-19774

Gene T. Ritter, Referee

(Peter P. Hypes
PARTIES TO DISPUTE: (
(Norfolk and Western Railway 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 July 12, 1972 covering an unadjusted dispute between me (Peter P. Hypes) and the Norfolk and Western Railroad involving the question of a dispute about my seniority.

OPINION OF BOARD: Claimant, in this case, alleges that his Seniority **date** should be August 5, 1956, but that he is **erroneously** listed on the Seniority Roster with Seniority date of January, 1965. Carrier alleges that no formal claim **or** grievance concerning this dispute has ever been presented to or handled with Carrier, either by Claimant or his representative labor organization. Carrier further states that this Board is without authority or jurisdiction in this matter for the reason that Claimant has failed to properly handle the matter in compliance with Section 3, First (i), of the Railway Labor Act; and that Claimant has been accorded the only Seniority date to which he is entitled.

In accordance with Award No. 18350 (**Dorsey**), this claim will be dismissed. The record herein is clear to the effect that the instant claim was not handled on the property in accordance with the provisions of Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board.

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 Employee 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 be dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *E. G. Killen*
Executive Secretary

Dated at Chicago, Illinois, this 25th day of May, 1973.