

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19888
Docket Number MS-20155

Irving T. Bergman, Referee

(Ruben Sanchez

PARTIES TO DISPUTE: (

(Elgin, **Joliet** and Eastern Railway Company

STATEMENT OF CLAIM: Ruben Sanchez requests his job back from the **Elgin**, Joliet, Eastern Railroad Company. He had been employed for 13 years and left as a Track foreman. He was a member of the Maintenance of Way Labor Union. And he can't understand why union refused to handle the case.

OPINION OF BOARD: The Railway Labor Act, Section 3, First **(i)**, **sets** forth the requirements for handling disputes growing out of grievances. Only cases handled in the usual manner on the property may be referred to this Board if they are not adjusted on the property.

It is clear from an examination of the record before us that the claimant ignored the appeals procedure on the property. He has attempted to bring his claim to this Division in violation of the above stated section of the Railway Labor Act, and Circular No. **1**. We are barred from considering the merits of the claim. Accordingly, the claim 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 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

The claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 8th day of August 1973.