

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19897
Docket Number MSX-19936

Benjamin Rubenstein, Referee

(Douglas L. Spencer

PARTIES TO DISPUTE: (
(REA Express, Inc.

STATEMENT OF CLAIM: The claim as described by the Board, and for identification purposes only, is as **follows:**

This is to serve notice as required by the rules of the National Railroad Adjustment Board, of my intention to file a "**ex parte**" submission by October **11**, 1972 covering a "unadjusted dispute between me and the REA Express Company, Inc.,

Rule 15 Section (**m**) Removal from service without a Hearing **or** medical examination.

Rule 15 Section (**f**) No effort to furnish employment.

Rule 13 Denial of Supplemental Unemployment Benefits.

Rule 7 Denial of earned vacation pay.

Rule 3 Section (**o**) Used to remove from service or harass.

Denial of continuation of group insurance **to** disabled.

OPINION OF BOARD: The Record discloses that this claim was not handled on the **pro-**petty in accordance with Rule 11 (**i**) of the Agreement between the parties. The **grievant** first started proceedings in a Court of law, and then sought to process the matter himself without following procedure outlined in the above section.

The claim, therefore, should be dismissed. Award No. 19777.

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;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

The claim shall be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

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