

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20200  
Docket Number MSX-19899

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Eugene L. Karker  
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(REA Express, Inc.

STATEMENT OF CLAIM: This is to serve notice, as **required** by the **rules** of the Rational Railroad **Adjustment** Board, of **my** intention to file an **ex** pane submission on July **21**, 1972 **covering an unadjusted** dispute **between** me and the **REA** Express Co., Chippewa **Falls, Wisc.**, involving the question of vacation pay due me.

I was an employee of **REA** Express Co. for **17½** years, on Dec. 17, **1971** I was laid off. 'With vacation that I had coming I was on there payroll until Dec. **24**, **1971**. In the months of January, **February** and March I was called back to work **for a** total of **ten** days. On February 22 I was called **in** for **a** full week to replace a **senior** employee on vacation, this **was** a permanent position and still is.

In each **of** these months I **requested my** vacation pay through our local agent Mr. R. A. **Address** at Chippewa **Falls, Wisc.** who in turn contacted our **Area** Manager, Mr. **E. A. Yarwood**, I. 235 South **41st** Street, Milwaukee, **Wisc.** Mr. **Yarwood** refused every one of **my** vacation request the last on **May 23**, 1972. He **gave** the reason that I had to be at work 3 days a week for two months prior to the month **that** I requested my vacation **in**.

I have several letters from our union **Vice** President, **Mr. Peroutky** of the **ERAC** Union at Chicago, **Ill.** saying that this is a violation of the union agreement, that no **number** of working days **are** required, that an employee **must** only be active at **work** to receive vacation pay. **This is** how are **union** agreement under Rule 7 **also** read.

**Mr. Peroutky** advised me that their was very little that he could do for me except file a **greivence** and he claimed that he had hundreds of these on file and **none** of them were **being** settled as the **Express** Co. paid no attention to them.

I have four weeks vacation **pay** coming at the rate of \$150.49 for a total of **\$601.96**. I also have \$3'7.50 coming on supplemental **unemployment** pay at the rate of \$5.30 Per day for 7 days in the months of Dec. **1971 thru** March 3, **1972** that I signed up for and never received,

An oral hearing is not requested.

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:

*A. W. Paulos*  
Executive Secretary

Dated at Chicago, **Illinois**, this 29th      day of March 1974.