

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20204
Docket Number MS-20257

Joseph Lazar, Referee

PARTIES TO DISPUTE: (BarbaraAnne Jividen
(
(Chicago, Milwaukee, St. Paul and Pacific
(Railroad Company

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 parte** submission on February 22, 1973, covering an unadjusted dispute between Barbara A. Jividen and Chicago, Milwaukee, St. Paul and Pacific Railroad Company involving the question:

- (1) Reinstatement, with full unimpaired seniority rights..
- (2) Full compensation for time lost while being illegally deprived of rightful employment as a switchboard operator under B.R.A.C. Agreement from January 4, 1971 to present time.

OPINION OF BOARD: The record is clear that the claim the Petitioner is **attempting** to assert before the 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 Rational Railroad Adjustment Board. The claim is, therefore, 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;

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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.