

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20481  
Docket Number MS-20540

David P. Twomey, Referee

PARTIES TO DISPUTE: (Louis C. Henry  
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: This is to serve notice as required by the rules of the Rational Railroad Adjustment Board, of my intention's to file an **exparte submission** (on 30 days from date of this notice) covering an unadjusted dispute between me and the Baltimore and Ohio Railroad involving the question.

Denied Protective **Benifits.**

OPINION OF BOARD: Before considering Petitioner's claim on its merits, we **must first** deal with procedural arguments raised by Respondent Carrier. These are:

1. The **instant** claim was not handled on the property in accordance with Section 3, First (I) of the Railway Labor Act.
2. **Claim was** not handled pursuant to the requirements of Article 16 of the United Transport Service **Employes** Agreement.

A finding in favor of Respondent Carrier on any one of the two **points** will **cause** the **claim** of Petitioner to be **dismissed** and preclude this **Board** from **consideration** of the claim on its merits.

With **respect** to point 1, we find **this claim was** not handled on the property in accordance with the **provisions** of the applicable **collec-** tive **bargaining** Agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular **No. 1** of this Board. We **will dismiss** the claim.

FINDINGS: The **Third** Division of the Adjustment **Board**, after **giving** the parties to this dispute due notice of hearing thereon, and upon the whole record and **all** the evidence, **finds** and **holds:**

That the Carrier and the **Employes** involved in this dispute are respectively Carrier and **Employes** 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

Claim dismissed.

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Page 2

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Claim ~~dismissed~~.

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By Order of Third Division

ATTEST: *A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.