

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20613  
Docket Number MSX-20761

Irwin M. Lieberman, Referee

(Arthur Myrum  
PARTIES TO DISPUTE: (  
(REA Express, Inc.

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an **ex parte** submission on (30 days from date of this notice) covering an unadjusted dispute between me and the R. E. A. Waukegan, Illinois. I am a member of B. R. A. C. Lakeside Lodge.

Claim involves loss of position, vacation pay, hospital, life insurance and disability benefits. Rule 87 of Agreement covers this.

OPINION OF BOARD: The record of this dispute indicates that neither Claimant nor his Organization filed a Claim or appealed it as required by Rule 11 of the controlling Agreement, Section 3, First (i) of the Railway Labor Act provides in part that disputes "...shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes;..." Circular No. 1 of the National Railroad Adjustment Board prohibits consideration of any dispute by this Board unless it has been handled in accordance with the Railway Labor Act.

Under these **circumstances** this claim has not been properly presented, the merits may not be considered and it will be dismissed. (See Awards 19777, 19812, 20091, and 20224).

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 **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. Pauls  
Executive Secretary

Dated at Chicago, Illinois, this 21st day of February 1975.