

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20886

Docket Number MS-20281

Lloyd H. Bailer, Referee

(Richard A. Dominique

PARTIES TO DISPUTE: (

(The New Orleans Terminal Company

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 February 25, 1973 covering an unadjusted dispute between me and the Southern Railway System involving the question:

I was **summarily** suspended from membership in the Brotherhood of Railway clerks, and subsequently fired **from** my job as Yard Clerk at Oliver Yard, New Orleans, La. Additionally, I had been subjected to unfair treatment on the part of management **personall** for a period of better than two years in retaliation for filing charges of discrimination with the Equal Employment **Opportunity Commission**. The reason for suspension by the Labor Organization and subsequent termination of employment by management was for **alleged** non-payment union dues. I maintain that I was not in **arears** with dues at the time of my suspension, and both Labor and Management officials were aware of this. Together the two aforementioned factions conspired to deprive me of my Livelihood.

OPINION OF BOARD: Petitioner attempts to assert a claim against the Carrier, by naming certain officers thereof, and the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station **Employees**, by naming certain officers of that **Organization**.

This Board is without jurisdiction over any dispute between an **employee** and his or her Organization.

The record shows that the claim that the Petitioner attempts to assert against the carrier has not been handled on the property as required by Section 3 First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, and the time limit provisions of the applicable agreement. In these **circumstances** the claim is not properly before us on its merits and therefore must be dismissed.

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

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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 12th      **day** of      December 1975.