

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award **Number** 21511
Docket Number MS-21679

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: { **Eugene** B. Riesberg
(Grand **Trunk** Western 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 April **23, 1976** covering an unadjusted dispute between me and the Grand Trunk Western Railroad **involving** the question:

Can **a** part-time, releif bridgetender be put at top seniority over **all** the bid **in** full-time bridgetenders?

In October **1965** I (Gene Riesberg) started work for **GrandTrunk** Western Railroad. Then in 1967 I bid into the **Spring** Lake, Ferrysberg bridge from the Muskegon section of Grand Trunk. I worked on the bridge **full-time** until approximately **1972**, while Arnold Berg worked only **part-time**, releif work on the **same** bridge. **Arnold Berg** was a schoolteacher and could not work a **full-time** job for the railroad, too.

During that time I (Gene Riesberg) was working **full-time** on the same bridge. There were **3** different jobs up **for** bids as bridgetenders there, and Arnold Berg never bid on **any** of them, therefore other men got the jobs.

Then **in** the end of **1972** all the bridge jobs were abolished end put up **for** bids, again. Arnold Berg was then given top seniority rights **over all** of us.

At the **time** Arnold **Berg** was first given top seniority rights **Dick Drake** was **Coopersville** agent. L. **E.** King is agent now and has records of **Arnold** Berg only back to Dec. **1972** of his bid to a full.-time job on the bridge.

I went to the union when this happened and was told that bid rights on **my** job did not mean anything.

OPINION OF BOARD: A careful examination of the record before us convinces this **Board** that the claim Petitioner is attempting to assert before the **Board** was not handled on the property in accordance with the provisions of the controlling Agreement as required by Section **3**, First (i) of the Railway Labor Act and Circular **No.** 1 of

the National Railroad Adjustment **Board**. Accordingly, inasmuch as Petitioner failed to progress the **instant** claim **in** accordance with the prescribed procedure, the claim is barred from consideration and must be dismissed as a result.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds end 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

Claim not progressed on the property as required by the **Railway Labor Act.**

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1977.