

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award Number 21593
Docket Number MS-22020

PARTIES TO DISPUTE: (Dan De **Santis**
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: Failure of chief mechanical officer to allow me exercise my seniority rights when he was informed that I was going to bump clerk at **bldg** M-6. This **completely** violated all seniority rights I was entitled to with regards to both the carrier and the union.

Loss of railroad retirement pension fund rights due to carriers general foreman's failure to grant me an investigation regarding my resignation.

Failure of acting general foreman to protect me from union officials who harrassed and intimidated me, and attempted assault and battery upon my person. He granted them permission to enter my office without asking them what their business was with me.

OPINION OF BOARD: Review of the full written record and oral testimony in this case discloses that (1) Petitioner voluntarily resigned from Respondent Carrier's service on December 16, 1963, and (2) Petitioner admits that no written claim or oral protest of the three paragraphs comprising his Statement of Claim were ever handled with any officer of Respondent Carrier.

Careful review of the written record and oral testimony before the Board fails to develop a scintilla of evidence to support Petitioner's claim. The Board lacks jurisdiction to decide the dispute under Section 3, First **(1)** of the Railway Labor Act because the requirements of that Section of the Act have not been met. The claim will 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 **Employee** involved in this dispute are respectively Carrier and **Employee** within the **meaning** of the Railway Labor Act, as approved June 21, 1934:

That this **Division** of the Adjustment Board does not have jurisdiction over the **dispute involved** herein; and

That the claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD **ADJUSTMENT BOARD**
By Order of Third **Division**

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this **17th** day of June, **1977**.

