

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21927
Docket Number MS-21950

John P. Mead, Referee

(Walter P. Scheidt

PARTIES TO DISPUTE: (Union Pacific Railroad 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 January 19, 1977 covering an unadjusted dispute between me and the Union Pacific Railroad Company involving the question:

The interpretation placed on appendix H of the agreement covering consolidation of seniority rosters for Bridge and Building employees on the Kansas Division. Specifically paragraph 1, page 123. **QUOTE** "It is agreed that in restructuring the seniority districts for the various classifications as provided by Rule 16 of the Schedule Agreement, dated this first day of January, 1973, that the affected employees on the basis of their selection will be accorded a seniority date on the consolidated roster corresponding to their present seniority date and will retain prior rights to work on their seniority districts as existed prior to the revision for a period of three years from effective date of this agreement and under this arrangement will during this term be considered senior to employees from other districts for positions on their former seniority districts." **UNQUOTE**

OPINION OF BOARD: This Board has carefully examined the record at hand. We are constrained to conclude therefrom that the Claim Petitioner is attempting to assert before this Board has not been handled on the property in accordance with provisions of the applicable Agreement as required by Section 3, First (i), of the Railway Labor Act and by Circular No. 1 of the National Railroad Adjustment Board.

Accordingly, since the Petitioner failed to progress the instant claim in accordance with the prescribed **procedure**, the Claim is barred from consideration by this Board. The claim, therefore, is dismissed.

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

That the parties ~~waived~~ oral hearing;

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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 Claim was not progressed on the property as required by Section 3, First (i), of the Railway Labor Act.

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 28th day of February 1978.

