

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22023
Docket Number MS-22310

PARTIES TO DISPUTE: (Thomas R. Harkins
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(National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Of having new men off the street being hired to take my position while a layoff was in effect, without regard to seniority system of the Union."

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 the 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.

Inasmuch as the Petitioner has failed to progress the instant claim in the usual manner on the property, the claim is barred from consideration. Accordingly, this Board is left no alternative but to dismiss the claim as a result.

FINDINGS: The Third Division of the Adjustment Board, after giving the Parties to this dispute due notice of hearings hereon, and upon the whole record and all **evidence, finds** and holds:

That the Carrier and **Employee** involved in this dispute are respectively Carrier and **Employee** within the meaning of the Railway Labor Act; as approved June 21, 1934:

That the claim was not progressed on the property as required by the Railway **Labor** Act, and that this Division of the Adjustment Board does not have jurisdiction to decide the dispute involved herein on its **merits**; and

That the claim is barred.

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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 April, 1978.