

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22272**  
Docket Number MS-22339

Don Hamilton, Referee

(Vaughn Nickel  
PARTIES TO DISPUTE: (  
(Chicago and North Western  
( Transportation 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, 1978, covering an unadjusted dispute between me and the Chicago & Northwestern Transportation Company involving the following questions:

1. Expense including mileage driven, camp car, linen, and meals. (April through September, 1976.)
2. Back wages for travel **time**. (April through September, 1976.)
3. Missed job opportunities due to job posting and notification violative of the agreement.
4. **Omission** of employee from seniority list. (May, 1976.)
5. General damages as result of misinformation about expenses, holiday pay, camp car pay, mileage expenses, auto expenses and attempt by employer to force resignation.

OPINION OF BOARD: The claim filed with this Board is presented as follows:

- (1) Expenses including mileage driven, camp car, linen, and weals. (April through September, 1976)
- (2) Back wages for travel time. (April through September, 1976)
- (3) Missed job opportunities due to job posting and notification violative of the agreement.
- (4) Omission of employee **from** seniority list. (May, 1976)

- (5) General damages as **result** of **misinformation** about expenses, holiday pay, **camp** car pay, mileage expenses, auto expenses and **attempt** by employer to force resignation.

In regard to the first assertion, there is evidence that a claim was submitted on behalf of Claimant and **others** covering the period May 24, 1976, through August 23, 1976. This claim was progressed and by letter dated **March 24, 1977**, the parties disposed of the same in its entirety by allowing each claimant a stipulated amount. It is asserted that the Claimant has not received this payment. The Carrier is awaiting the preparation of additional expense claim forms. The Board notes that the **March 24, 1977**, settlement simply stated that "adjustments will **be made** accordingly". The Carrier is directed to pay the agreed upon amount to the Claimant forthwith. There is no necessity for the preparation and filing of additional claim forms.

In regard to the fourth assertion, the name of the Claimant was **omitted from** the appropriate seniority roster March 1, 1977. A timely appeal was made and the omission was corrected shortly thereafter. Therefore, this claim is moot.

These were the only two matters handled in the usual manner on the property.

Concerning **that** portion of Claim No. 1 not comprehended in the March 24, 1977, letter, as well as Claims No. 2, 3 and 5, the record indicates that these matters were never handled through the grievance machinery of the controlling Agreement. On this record, it is clear that these matters were not presented and **progressed** on the property in accordance with the requirements of Section 3, First (i) of the Railway Labor Act, and Circular No. 1 of the National Railroad Adjustment Board. As such, these contentions are barred from consideration by this Board **and** must be **dismissed**. Awards 17005 (McGovern), 20328 (Blackwell), 20613 (**Lieberman**), 21868 (**Zumas**), 21966 (Sickles), among a host of others.

**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;

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

That the Agreement was not violated.

A W A R D

**Claim** disposed of in accordance with **Opinion**.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: *A. W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this **12th** day of January **1979**.