

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22495**
Docket Number MS-22594

Joseph A. Sickles, **Referee**

PARTIES TO DISPUTE: (**Emerson** Buckley, et al
(Mississippi Export Railroad Company

STATEMENT OF CLAIM: "This is to **serve** notice, as required by the rules of **the** National Railroad **Adjustment** Board of **our** intention to file an **ex** parte submission on **June 21, 1978** covering **an** unadjusted **dispute between us** and **the** Mississippi Export Railroad Company involving the question:

Discrimination and unjustifiable lay-offs."

OPINION OF BOARD: *The rather extensive record in this case contains a number of assertions, accusations, contentions, etc., but it is clearly established that we are confined solely to a consideration of the matters contained in the notification of intention to file an Ex Parte Submission. In this case, that document is dated July 3, 1978, and refers to "...an unadjusted dispute...involving... Discrimination and unjustifiable lay-offs."*

Clearly, the parties **sought** to expand the scope of **the** dispute in the **documents presented** to us, but **we have** no jurisdiction over those **enlarged** issues.

Moreover, our review of the **record in** this case leads us to conclude that the **matters mentioned in the** notification of intention were not presented to **the** Carrier on **the property** and **handled at that** level as required by the pertinent Rules **Agreement and** the Railway **Labor Act.** See Awards **20076, 20582, 20616** and 21868, among others.

We stress **that** we state **no** opinion concerning **the** merits of other matters **which** appear to be in contention between these parties, inasmuch as **our jurisdiction does not extend to those matters.**

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 Employes involved **in this** dispute are respectively Carrier and **Employes 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 claim be dismissed.

A W A R D

Claim dismissed.

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

ATTEST: *A.W. Paulson*
Executive Secretary

Dated at Chicago, Illinois, **this 24th** day of **August 1979.**