

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22503**
Docket Number **MSX-21073**

George S. Roukis, Referee

PARTIES TO DISPUTE: (Paul Stone
(**REA** Express, Inc.

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 Rx-Parte Submission (30 days from the date of this Notice), covering an unadjusted dispute between **me** and the REA Express Inc., 219 East 42 Street, New York City.

I believe I have been illegally discharged by **REA** Express and not protected by the Union **involved** B.R.A.C., Local No. 2130.

Subsequently, I was re-instated to the metropolitan roster but never recalled to the telephone room.

My investigation reveals I could have worked there from June 1973 **until** January 4, 1974.

I seek **payment** of the lost wages for **that** period plus **payment** for my **own** hospitalization plan and dental bills.

Fe-instatement notice will be proven **in** my **Ex-Parte** Submission together with proof of earnings lost through this contractual violation."

OPINION OF BOARD: Our review of the record in this case clearly shows that **the** claim which petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the requirements of the applicable collective bargaining Agreement as required by **Section** 3, First **(i)** of the Railway Labor Act and Circular No. 1 of this Board. Therefore, the **claim** as described above is barred from consideration by this Division and **is** accordingly 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;

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 claim is barred.

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 **31st** day of August **1979**.

