

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22504**
Docket Number **MSX-21077**

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 **Ex-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 on the District Accounting or Credit Roster.

My investigation **reveals** I would have been eligible to move when the Roster was transferred to Chattanooga, Tennessee.

I seek payment of the lost wages from April 24, 1972, to the **present**. **plus** payment for my **own** hospitalization **plan** and dental expenses.

I would, also, have been eligible for moving expenses to Chattanooga, Tennessee, which I now seek.

Re-Instatement and recall notices will be part of **my** Rx-Parte Submission together with proof of earnings lost through this contractual violation."

OPINION OF BOARD: Cur 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 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.

