

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22552

Docket Number MS-22929

PARTIES TO DISPUTE:

(Gregory L. Walker and Willis D. Cremeans

(The Chesapeake and Ohio Railway Company (Southern Region)

STATEMENT OF CLAIM: "C-TC-634, Claim for time on behalf of Willis D. Cremeans and Gregory L. Walker, \$7.00 per day, and 3418 miles at 15 cents per mile and two (2) minutes per mile for each day these employees are without benefit of the following rules and continuing until such time as they are furnished with suitable living quarters in accordance with said rules; violation of Arbitration Award 298 dated 9/30/67, effective 12/5/67, and Southern Region Rules Nos. 47, 48, 49, 67(d)(e)(f)(g)(h), and any other rule pertaining thereto."

OPINION OF BOARD: Our review of the record in this case clearly shows that the claim which Petitioners are attempting to assert before this Board was not handled on the property of the Carrier in accordance with requirements of the applicable collective-bargaining Agreement Rule 21(h) as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment 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:


Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1979.