

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22661
Docket Number MS-22818

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Leslie Joseph Nance, II
(
(The Chesapeake and Ohio Railway Company
((Southern Region)

STATEMENT OF CLAIM: "DISQUALIFICATION - TIE FORCE 1210 - HUNTINGTON, WV
Parties involved - 1st. Foreman - Dickie Jobe
Engineer Track Force - Harm Holbrook

1. Do not believe reason for disqualification as stated by 1st Foreman to be true and **acurate** reason for disqualification.

2. C & O Rules state that a disqualification must be given in writing to the employee within the 60 calendar days of employment or he is considered as being accepted. I was not notified until 62 days and was not given a reason or written notice until **approximately** 86 days."

OPINION OF BOARD: The record before the Board clearly shows that the claim that the claimant is attempting to assert here has not been handled in the usual wanner on the property **up** to and **including** the Chief Operating Officer of the Carrier **designated** to **handle** such disputes as **required** by Section 3, First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, and the rules of the applicable collective bargaining agreement. The claim is, therefore, not properly before the Board and **must** be dismissed.

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 **Employees** involved in this dispute **are** respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as apprwed June 21, 1934;

That this Division of the Adjustment Board has jurisdiction **over** the dispute involved herein; and

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That the claim be dismissed.

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 14th day of December 1979.

