

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22859
Docket Number as-23198

PARTIES TO DISPUTE: (Mark Wright
(Consolidated Rail Corporation

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 additional **ex-parte** submission on September **12, 1979** covering an unadjusted **dispute** between us and Consolidated Rail Corporation and Consolidated Rail System Federation involving the question:

the discriminatory activities of Consolidated Rail Corporation which resulted in my unjust and unwarranted discharge from employment on or about November 7, **1977** and the activities of Consolidated Rail System Federation, which in breach of its duty of fair representation, have prevented me **from** being reinstated in my previous employment."

OPINION OF BOARD: **Claimant** alleges discriminatory activities leading to his unjust and **unwarranted** discharge from service of the Carrier on or about November 7, **1977**. He also asserts that on or about March 28, **1978** he **was** refused reinstatement. Carrier responds that Claimant last worked on November 2, **1977** and after that date failed to report for work or notify the Carrier of any reason for his absence. On November 13, **1977**, when the Rail Gang on **which Claimant was** assigned **was** abolished, Claimant was placed on **furlough** status. On February 17, **1978**, Claimant was notified in letter sent Certified **Mail** to his last known address, that work was available and he **was** being recalled **from furlough**. The letter was returned to Carrier as undeliverable account Claimant no longer resided at that address. Carrier closed out **Claimant's** record under Rule 29(h) for failure to keep current address posted and his failure to return to **service** when recalled from furlough. Later, Claimant appeared and **was advised** that his seniority had been forfeited under Rule 29(b). On August 13, 1979, a **Notice** of Intention to submit a claim, as described above, was received by the National Railroad Adjustment **Board**.

The record here contains numerous assertions and **allegations** but is barren of any documented evidence of support. Carrier has denied the allegations made and further challenges the **Board's** jurisdiction to accept the **dispute** under Section 3, First **(1)** of the Railway Labor Act.

The record is barren of any evidence that the Claim, as presented, was given the usual manner handling as contemplated under Section 3, First (i) of the Railway **Labor** Act. Accordingly, this Claim is barred **from** consideration on its merits and will be dismissed.

FINDINGS: **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 16th day of May 1980.