

**NATIONAL RAILROAD ADJUSTMENT BOARD**

THIRD DIVISION

**Award Number 23239**  
Docket Number MS-23455

Paul C. Carter, Referee

**PARTIES TO DISPUTE:** (Vernell Baldwin  
(  
(Illinois Central Gulf Railroad

**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** on April 28, 1980 covering an unadjusted dispute between **me** and the **Illinois** (sic) Central Gulf Railroad **involving** the question:

My dismissal on November 23, 1979 for alleged violation of **Rule 10(A)** and **Rule 38**, in accordance with the Schedule of **Rules** and Working Conditions **governing** (sic) the Maintenance of Way and Structures Department dated April 27, 1978."

**OPINION OF BOARD:** The record before the Board is clear that the claim **that** the claimant is attempting to assert before the Board **has** not been handled on the property in accordance with the requirements of Section 3, **First** (i) of the **Railway Labor** Act. **Under** such **conditions**, the Board has no alternative but to **dismiss** the claim.

**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 approved June 21, 1934;

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

That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: \_\_\_\_\_

*A. W. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this **31st** day of **March 1981**.