

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23543
Docket Number MS-23929

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { (B. J. Curry
 { St. Louis-San Francisco Railway Company
 { (now Burlington Northern Inc.)

STATEMENT OF CLAIM: "1. Was Mr. Curry fired because of racial discrimination?

2. Was Mr. Curry denied advancement because of racial discrimination?

3. Did the Saint Louis-San Francisco (FRISCO R.R.) refuse to provide adequate training, supervision or answer questions submitted by Mr. Curry because of racial discrimination?

4. Does the Saint Louis-San Francisco (FRISCO R.R.) have a history of prior racial discrimination that has affected and continues to affect Mr. Curry?"

OPINION OF BOARD: The Claimant asserts that he was terminated as a result of racial discrimination. The Carrier denies that any such action took place, and points out to us that Section 3, First(1) of the Railway Labor Act requires that disputes be handled in the usual manner, up to and including the Chief Operating Officer of the Carrier designated to handle such disputes.

Based upon our review of the record, we are inclined to agree with the Carrier that the case before us was not handled as prescribed by either the Agreement or the Railway Labor Act, and accordingly this Board has no jurisdiction to consider the matter.

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 Employee involved in this dispute are respectively Carrier and Employee 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 dismissed for lack of jurisdiction.

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Claim dismissed for lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A. W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 26th day of February 1982.