

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23581
Docket Number MS-23384

A. Robert Lowry, Referee

(David R. Scott

PARTIES TO DISPUTE:

[Chesapeake and Ohio Railway Company

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 February 25, 1980 (30 days from date) covering an unadjusted dispute between **me** and the Chesapeake and Ohio Railway Company involving the question:

That the Chesapeake and Ohio Railway **Company** did intentionally deprive me of my seniority as a Prior Rights Agent and Operator, did willfully intimidate, harass and discriminate against **me** from positions I **had** filled for eighteen (18) years, abusing the authority invested in them by **General** Agreement No. 9 dated March 1, 1972."

OPINION OF BOARD: This claim is doomed by major procedural defects.

The record shows **Claimant** did not handle his grievances in accordance with the procedures clearly set forth in Rule 27½ of the Agreement governing his employment with the Carrier. He failed to present his claim/grievances initially with the proper officer of the Carrier • uthorised to receive same, and he failed to progress the claim through the appeals procedures within the prescribed **time** limits to and including the highest officer of the Carrier designated to handle such matters. Therefore, the claim was not handled as required by Section 3, First (i) of the Railway **Labor** Act and Circular No. 1 of this Board. The Claim 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 • pprwed 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: Acting Executive Secretary
National Railroad Adjustment Board

By *Rosemarie Brasch*
Rosemarie Brasch - Administrative Assistant

Dated at **Chicago**, Illinois, **this 10th** day of **March 1982**.

