

NATIONAL **RAILROAD** ADJUSTMENT BOARD

THIRD DIVISION

Award Number **23828**  
Docket Number MS-23962

Paul C. Carter, Referee

(David M. Wright  
**PARTIES TO DISPUTE:** (  
(National Railroad Passenger Corporation

**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 December 17, 1980, covering an **unadjusted** dispute between me and the National Railroad Passenger Corporation (Amtrak) involving the question:

Disqualified with racial **implacations**"

**OPINION OF BOARD:** From the record before us, it is clear that the claim the Petitioner is attempting to assert before the Board has not been handled in the usual manner on the property as required by Section 3 First (i) of the Railway Labor Act, and Circular No. 1 of the National Railroad Adjustment Board, which is a prerequisite to this Board assuming jurisdiction. The claim is barred from consideration by 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 approved June 21, 1934;

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

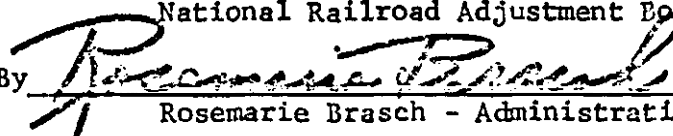
That the claim is barred.

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 - Administrative Assistant

Dated at **Chicago**, Illinois, this 26th Day of March 1982.

