

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23871
Docket Number MS-24064

Ida Klaus, Referee

PARTIES TO DISPUTE: { Gary L. Cook
 { Kansas City Terminal 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** (30 days **from** date of this notice) **covering** ~~an~~ **un**adjusted dispute between ~~me~~ and the Kansas City Terminal Railway Company involving the question:

~~claim~~ # SG-1.80.140 Case # 5505."

OPINION OF BOARD: This petition is not properly before the Board and my not be considered by us.

As the record discloses that the claim was not first presented **on** the property and that no conference at that level was requested or held, we must find that this dispute was not handled "in the **usual manner**" as required by Section **3**, First (i), of the Railway Labor Act.

Accordingly, the Board is barred from proceeding with the **merits** of this claim, and the claim must be dismissed.

Numerous awards of the Board over the years have established that the Railway **Labor** Act vests authority in this Board to consider and decide the merits of a dispute only after the prerequisite statutory procedure **on** the property has been followed.

The plain purpose of the statutory requirement is **to** encourage the parties themselves in informal face-to-face conference discussion on the property to arrive at **their** adjustment of the dispute in an amicable way at the earliest possible time. When these efforts fail, then the right of **formal** referral of the dispute to this Board becomes available to the parties. That right is not **now** available to the petitioner.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record ~~and~~ all the evidence, finds and holds:

That the parties waived oral hearing;

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.

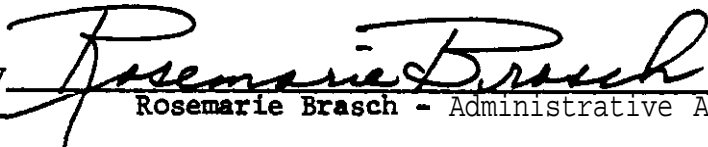
A W A R D

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 13th day of May, 1982.

