

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24150
Docket Number MS-24248

Ida Klaus, Referee

PARTIES TO DISPUTE: { Betty T. Kaehn
(Seaboard Coast Line Railroad 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 June 10, 1981 covering an unadjusted dispute between me and the Seaboard Coast Line Railroad involving the question:

Fraud in the inducement for bidding on a permanent job in Richmond, Virginia. The day I was awarded the job, I was told the job and the office would be moved to Louisville, Kentucky."

OPINION OF BOARD: The petitioner filed this claim with the Board on June 10, 1981. It alleges that the petitioner lost two years of employment by reason of fraud on the Carrier's part in inducing her to bid on and accept in March 1979 a job falsely advertised as permanent.

The Carrier has made both procedural and substantive contentions.

The petition is not properly before the Board.

As the claim was not first presented on the property, it was not handled "in the usual manner" as required by Section 3, First (i), of The Railway Labor Act. Indeed, the record shows that the Carrier had no notice of any dispute with the petitioner until she sought to initiate this claim with the Board.

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

Numerous awards of the Board over the years have affirmed that The Railway Labor Act vests authority in this Board to consider and decide the merits of a dispute only after the prerequisite statutory procedures on the property have been pursued.

We must note, moreover, that the claim would in any event be barred from consideration for the further reason of its gross untimeliness.

The Board does not deem it necessary to pass upon the further question raised by the Carrier as to the petitioner's employee status under The Railway Labor Act.

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 15th **day** of **February 1983.**