

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24350  
Docket Number MS-24868

PARTIES TO DISPUTE: { Irma M. Jones  
{ Burlington Northern 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 (30 days from date of this notice) covering an unadjusted dispute between me and the Burlington Northern Railroad involving the question:

I was disqualified because during the training period I was allegedly not able to keep up the job...."

OPINION OF BOARD: It is quite evident that Claimant had a dispute concerning her qualifications for the position of Rate/Statistics Clerk No. 133-001 in Carrier's Intermodal Department. Claimant was disqualified on the position in July, 1982, and initially handled the matter under the provisions of the contract.

The difficulty with Petitioner's claim before this Board is that it has not thereafter been "handled in the usual manner" on the property; instead, the matter has been submitted directly to this Board after the initial disposition.

Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board require that disputes be processed in the usual manner as provided in the parties' Agreement before they may be submitted to this Board for resolution. Given the fact that this requirement was not fulfilled, we have no choice but to dismiss the claim without consideration of its merits. (Third Division Awards Nos. 22438, 22473, 24259, 24010, 24061).

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.

Award Number 24350  
Docket Number MS-24868

Page 2

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 27th day of April 1983.