

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award Number **24404**
Docket Number **MS-24881**

PARTIES TO DISPUTE: (S. K. Anderson
(
(The Denver and Rio **Grande** Western Railroad Company

STATEMENT OF CLAIM: " **ascertaining** weather (sic) the carrier has properly and fully utilized employees holding seniority in the Bridge and Building Department as contractually agreed and **judicially** mandated "

OPINION OF BOARD: Petitioner submitted the above question for adjudication by this Board. Carrier raises a jurisdictional issue asserting: the question submitted to the Board was not given the "usual manner of handling on the property."

A review of the record clearly supports Carrier's contention that petitioner's question for adjudication has not met the test of "usual **manner** of handling on the property" of the question now before us, as is required by Section 3, First **(1)** of the Railway Labor Act, Circular No. 1 **of** the Rational Railroad Adjustment Board and rules of the applicable collective bargaining agreement. Accordingly, the Board lacks jurisdiction to consider the matter as presented by the petitioner and the claim is dismissed.

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 **Employee** involved in this dispute are respectively Carrier and **Employee** within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

That the claim is barred.

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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 26th day of May 1983.

