

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25069  
Docket Number MS-24973

I. M. Lieberman, Referee

(John **Karlaza**

PARTIES TO DISPUTE: {  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "We formerly were employees of Reading Co., which prior to Conrail never had a vehicle operator or truck drivers roster, now since Conrail came into being, we as Reading Company Employees are protesting the Vehicle Operators Roster which none of us are on it. We feel we are being Discriminated against, also unfair Labor Laws has been broken. Moreover there is not one Reading Company man on the Roster. We have been driving trucks and vehicles a long time. Most of the men have at least ten (10) years of driving experience. We would appreciate your help on this matter.

This is to serve notice, as required by the National Railroad Adjustment Board, of (our) intention to file an **ex parte** submission (30 days from this notice) covering an unadjusted dispute between (us) and the (Conrail) involving the question: Vehicle Roster as mentioned above."

OPINION OF BOARD: The record of the dispute herein indicates that it had never been presented or progressed **on** the property of this Carrier. The rules of the National Railroad Adjustment Board, as set forth in Circular No. 1 (October 10, 1934) provide that **no** claim may be considered unless the subject matter has been handled in accordance with the provisions of the Railway Labor Act. Section 3, First (i) of the Railway Labor Act provides that all disputes between an employee and a Carrier must be handled "... in the usual manner up to and including the Chief Operating Officer of the Carrier designated to handle such disputes." It is apparent that part of the rationale for the provisions quoted above was in an effort to promote the settlement of disputes on the property rather than to resort to the agency in all disputes. **Here, there was no** possibility of settlement since the dispute was never even presented on the property. For the reasons indicated, the Board has **no** alternative but to dismiss the claim for lack of jurisdiction.

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.

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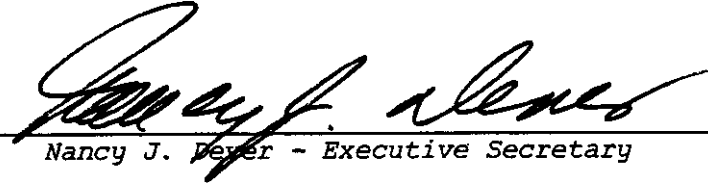


A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 4th day of October 1984.