

NATIONAL RAILROAD ~~ADJUSTMENT~~ BOARD

THIRD DIVISION

Award Number 26275  
Docket Number MS-26619

Edwin H. Be"“, Referee

(C. F. Thornton  
PARTIES TO DISPUTE: {  
(Seaboard System Railroad

STATEMENT OF CLAIM:

“Since my on the job injury, November 26, 1976 and back surgery February 1978, I have been restrained from my job without a good cause. I have not obtained any other regular and **substantial** equivalent employment. My rights as a” employee is to be reinstated with back pay or given occupational disability.”

OPINION OF BOARD: Rather than first filing a claim on **the** property, Claimant filed **his Notice** of Intent to **submit a**” Ex **Parte** Submission to this Board dated June 11, 1985, which was received by this Board on **July 1**, 1985.

section 3, First (1) of the Railway Labor Act precludes us from considering the instant Claim. Section 3, First (1) requires that disputes “shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes....” Since Claimant did not pursue the Claim on the property and filed his Claim directly with this Board and since the matter was not discussed in conference on the **property**, the Claim is defective. We therefore have no **jurisdiction** to consider the Claim. Third Division Awards 26006; 25915; 25710; 25709; 25699; 25676; 24470; 23239; 14873.

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.

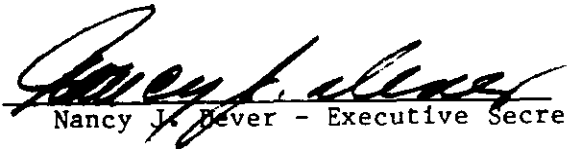
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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:   
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 24th day of April 1987.