

The Third Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(Richard L. Stone
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"My claim for back pay for time held from Bridge Operator position and position on the Bridge and Building Dept. roster."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On December 17, 1985, the Claimant served notice on the Third Division of his intention to file an ex parte submission involving his claim for back pay for "time held from Bridge Operator position and position on the Bridge and Building Department roster."

The Carrier argues the Claimant's Statement of Claim does not state the question involved nor does it describe the nature of the dispute. The Carrier also submits that the Board does not have jurisdiction because the Claim was not progressed as required by the Railway Labor Act under the applicable Collective Bargaining Agreement.

Section 153, First (i) of the Railway Labor Act states in pertinent part:

"The disputes between an employee ... and a Carrier ... growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules or working conditions, ... shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but failing to reach

an adjustment in this manner, the disputes may be referred to ... the appropriate division of the Adjustment Board ..."

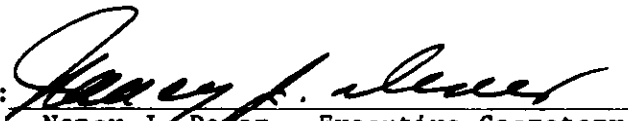
The record clearly establishes this Claim was never discussed on the property. The above quoted requirements of the Railway Labor Act are not permissive. This Board has historically and consistently held that a petitioner must progress the dispute in accordance with Section 153, First (i). Herein, absent any evidence the Claimant's appeal was handled in the usual manner before being presented to this Division, we must dismiss this Claim.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November 1988.