

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27932
Docket No. MS-27487
89-3-87-3-201

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(W. A. Keegan

PARTIES TO DISPUTE: (

(Illinois Central Gulf Railroad

STATEMENT OF CLAIM:

"This letter is to serve written notice of my intention to file an ex parte submission on April 10, 1987. The questions involved concern protective benefits for employees under the April 1, 1981 agreement, with regard to actions taken by the Illinois Central Gulf Railroad to abuse and subsequently deprive employees of compensation through the use of Article III, Section 1 of said agreement."

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.

Claimant, who was employed by Carrier as an Extra Clerk in the Mobile, Alabama Freight Yard office, was denied protective payments from March 1 through December 31, 1986. He contends that Carrier denied him protective payments as a result of an improper method of calculating a decline in business. The Organization, however, informed Claimant that his claim was not valid. Claimant continued to process it on his own and has forwarded it to the Third Division.

This Board has reviewed the record as presented, and we are required to dismiss the claim as not meeting the procedural requirements of the Railway Labor Act. There is no indication in the record that this claim was ever conferenced on the property with the highest designated appeals officer. This Board has rendered Awards on many occasions that dismissed such claims. The Board does not have jurisdiction if the procedures leading up to a Board review have not been followed.

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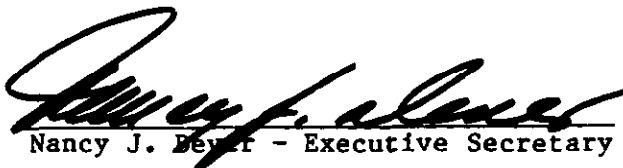
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A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1989.