

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 30091
Docket No. MS-31650
94-3-93-3-648

PARTIES TO DISPUTE: (L. R. Wright
{
(Consolidated Rail Corporation

STATEMENT OF CLAIM:

"I Lonnie Wright feel I was terminated unfairly, and I would like my job back."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe 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's application for employment was disapproved 15 days short of the 60 days window provided in Rule 1 of the Agreement.

Section 153 First (i) of the Railway Labor Act provides that:

"...disputes...shall be handled in the usual manner up to and including the chief operating officer...but, failing to reach an adjustment...the dispute may be referred...by either party...to the appropriate division of the Adjustment Board..."

There is absolutely no evidence of this dispute ever being handled on the property in the usual manner, nor is there any evidence of a conference being held between the parties to discuss this dispute.

Even though a resolution of a dispute without reviewing the merits is the least palatable of this Board's options, we do not have jurisdiction to proceed. We must, therefore, dismiss the dispute as it has been advanced here without the usual on property handling.

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A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin - Interim Secretary to the Board

Dated at Chicago, Illinois, this 15th day of March 1994.