

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 34199
Docket No. MS-34290
00-3-97-3-733**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Marsha K. Williams
PARTIES TO DISPUTE: (
(Consolidated Rail Corporation**

STATEMENT OF CLAIM:

“The purpose of this letter is to ask for your assistance in a matter between myself and Consolidated Rail Corp. with has resulted in the loss of my job.

I’m including copies of letters of recommendation to show good character about myself according to my supervisor Vicki Gray who eventually terminated me while I was on sick leave and requested an investigation into the Department of Personnel Conrail headquartered in Philadelphia due to unjust treatment and denial of my requesting copies of an internal EEOC complaint.

Also how I spoke with others about my concerns and asked for intervention because I could read the writings on the wall.

This has been a most stressful event for me and it has left me drained.”

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 employee 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 were given due notice of hearing thereon.

This claim must be dismissed for two reasons.

First, with respect to the specific claim presented to the Board, there is no evidence of any claim handling on the property. See Section 3, First (i) of the Railway Labor Act (“The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements . . . shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes. . . .” [Emphasis added]); First Division Award 24129 (“ . . . there has never been a claim filed and progressed in the usual manner on the property, as required by the Agreement and Section 3, First (i) of the Railway Labor Act”). The Board therefore lacks jurisdiction to hear the present dispute.

Second, from what we can discern from her Submission to the Board, the Claimant’s complaint in this case stems from her dismissal by the Carrier. However, in Special Board of Adjustment No. 1083, Award 22 issued on February 24, 1998, the Carrier was directed to “reinstate the Claimant without loss of seniority, and with reimbursement for any wages lost.” That Award issued subsequent to the Claimant’s September 17, 1997 letter to the Board which has formed the basis of the present claim. Given that this claim was effectively decided by Special Board of Adjustment No. 1083, Award 22, “this Board has no jurisdiction to consider this claim.” See Third Division Award 31988 (citing Second Division Award 12148; Third Division Award 22736 and Fourth Division Award 1339). See also, Third Division Award 31655.

The claim must therefore be dismissed.

AWARD

Claim dismissed.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 23rd day of August, 2000.