

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 41100
Docket No. MS-41418
11-3-NRAB-00003-100300**

The Third Division consisted of the regular members and in addition Referee Patrick Halter when award was rendered.

**PARTIES TO DISPUTE: (Brenda Taylor
(National Railroad Passenger Corporation (Amtrak)**

STATEMENT OF CLAIM:

“I Brenda Taylor would like to return to work as a train attendant, with full reinstatement of seniority, pension and retirement benefits. Both my primary care physician and my neurologist (sic) have cleared me for return employment.”

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.

Neither the Petitioner nor her duly authorized representative filed a claim concerning the matter set forth in the Statement of Claim now before the Board. Indeed, none was progressed on the property as required by the applicable Collective Bargaining Agreement.

This finding is dispositive of the claim because Section 3, First (i) of the Railway Labor Act requires as a condition precedent to the Board's assumption of jurisdiction that a dispute between an employee and a Carrier "... shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes[.]"

Because a record of the claim now before the Board was not processed and developed on the property, there is no appellate record for the Board to review. Accordingly, the claim must be dismissed without consideration of the merits, if any.

AWARD

Claim dismissed.

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 18th day of October 2011.