

Award No. 6518
Docket No. MS-6933

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**NORMAN CHARLES HENSS, ATTORNEY AT LAW
ON BEHALF OF JAMES FLYNN**

THE DELAWARE AND HUDSON RAILROAD CORPORATION

STATEMENT OF CLAIM: The Delaware & Hudson Railroad Company improperly discharged James Flynn on the ground that he failed to become a member of the Brotherhood of Maintenance of Way Employees and the claimant, therefore, is still an employe and is entitled to reinstatement as such and to wages dating from the period he was improperly discharged on July 28, 1953 until he is reinstated.

OPINION OF BOARD: Section 5 (c) of the Union Shop and Check-off Agreement between the Delaware and Hudson Railroad Corporation and its employes represented by the Brotherhood of Maintenance of Way Employees provides a final and binding procedure that must be adhered to when an employe subject to the provisions of said Agreement believes that his seniority and employment under the Rules and Working Conditions Agreement has been improperly terminated and it is his desire to appeal from such decision.

The Claimant in this instant case did not proceed in accordance with the required procedure and request that a neutral be appointed to decide the dispute.

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

That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That in conformity with Opinion, claim is dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 24th day of March, 1954.