



Award No. 15384

Docket No. MS-15952

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

George S. Ives, Referee

PARTIES TO DISPUTE:

WADDELL M. HARPER AND GARTROL LOGAN

UNION PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: The dispute concerns the right of the petitioners to exercise their system seniority rights as provided in Rule 24 of the Union Pacific Railroad Company Schedule of Rules, which rights were refused by the Union Pacific Railroad.

OPINION OF BOARD: Claimants maintained that they were entitled to exercise system seniority where Carrier consolidated certain trains. A review of the entire record reveals that the claim was not appealed to the highest designated officer. Award 13561 holds:

" * * * this claim was never appealed to the highest officer designated by the Carrier to handle such disputes. For the reasons set out in Award 10286 this claim is, accordingly, dismissed for lack of jurisdiction."

Also see Awards 10548, 11980, 12776, 13307, 14258, and 14600.

It is also clear that the claim presented to the Board is not the same claim that was handled on the property. In fact, the claim was amended after its submission to the Board. We have consistently held that where there is a substantial variance between the claim handled on the property, and that presented to the Board, we cannot resolve the dispute. Awards 14258, 13235 and 12354.

Since this claim was not handled in the usual manner as required by Section 3, First (i) of the Railway Labor Act, the claim must be dismissed. Awards 11212, 11346, 11910, 12352, and 13659 and others.

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

That the parties waived oral hearing;

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

That the claim has not been presented in accordance with the procedures established by the Railway Labor Act or by the Agreement.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1967.