

Award 16245
Docket MSX-17103

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John J. McGovern, Referee

PARTIES TO DISPUTE:

KENNETH R. HOLMES

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: On March 18, 1967, after conducting an oral hearing on March 17, 1967, the above named organization dismissed the undersigned from service of Railway Express Agency, after finding me guilty of alleged violation of union shop agreement dated April 1, 1952, by refusing to join the above mentioned union.

OPINION OF BOARD: On the record in this case, we find that the claim has not been properly progressed on the property, as required by Section 4(b) of the Union Shop Agreement between the Railway Express Agency, Inc. and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, effective April 1, 1952. The petitioner-employee did not appeal the decision dismissing him from service for failure to comply with the Union Shop Agreement to the Director of Operations, the highest officer of the Carrier designated to handle such appeals, within nine calendar days of the date of such decision. It must, therefore, be dismissed.

See Third Division Awards 15384, 14600, 14258, 13307, 12776, 11980 and 10548, among others; First Division Awards 17203, 17204, 17205, 18635 and 20216.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Claim dismissed.

AWARD

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 18th day of April 1968.

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