

Award No. 16314
Docket No. MS-17080

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

LLOYD Y. BAYLESS

THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Chesapeake District)

and

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

STATEMENT OF CLAIM:

A. Protest that I, Lloyd Y. Bayless, was denied the right to exercise my seniority to a Clerical Position on the seniority roster of Group One clerks, Transportation Department, Huntington Division, Huntington District, on June 1, 1965; and

B. Protest that my name, Lloyd Y. Bayless, was improperly removed from the seniority roster of Group One clerks, Transportation Department, Huntington Division, Huntington District, when that roster was reissued on July 1, 1965; and

C. Request that my name be promptly restored to that roster in its proper place in accord with my seniority standing on the previous rosters; and

D. Request that I be compensated for any and all wages lost, that may have derived from this misunderstanding regarding my seniority.

OPINION OF BOARD: The Claimant attempts before the Board to assert a claim that the Carrier and the Brotherhood of Railway and Steamship Clerks violated the effective Agreement covering Carrier's clerical and station employees.

This Board is without jurisdiction to decide a dispute between an employee and his Organization (Section 3, First (i) of Railway Labor Act). We must, therefore, dismiss the claim against the Brotherhood of Railway and Steamship Clerks.

So far as the claim against the Carrier is concerned, the record is clear that the dispute was not handled on the property in the manner prescribed by Section 3, First (i) of the Railway Labor Act, the time limit rule of the applicable Agreement, or Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim against the Carrier is barred and must be dismissed.

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 will be dismissed.

AWARD

Claim dismissed.

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

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1968.