

Award No. 16885

Docket No. MS-17452

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Jerry L. Goodman, Referee

PARTIES TO DISPUTE:

EMMETT S. FERREE

CHICAGO AND NORTH WESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

(1) I hereby serve written notice of intention to file ex parte submission 30 days from date this notice is given.

(2) The question involved is a matter of deprivation of merited severance pay as per agreement consummated by the carrier and the O.R.T. union Sept. 1962 (approximately \$7500.00).

(3) The dispute involves the setting up of a pre-arranged "clever trick" to get me off my job in order to deprive (chisel) me out of my severance pay, or a job.

The hearing may be either oral or written. I leave this to your discretion and convenience.

OPINION OF BOARD: Claimant seeks relief in the instant case on the theory that he was purposely provoked into submitting his resignation which was accepted by the Carrier as part of a conspiracy on the latter's part to deprive him of severance pay allegedly due him under the Agreement.

However, his claim was never presented in writing or handled on the property prior to submission to this Board.

Therefore, under Section 3, First (i) of the National Railway Labor Act, as amended, this claim must be dismissed since the jurisdictional requirement that it "... be handled in the usual manner up to and including the chief operating officer of the Carrier designated to handle such disputes ..." has not been met.

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;

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

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 24th day of January, 1969.