

Award No. 16989

Docket No. MSX-17688

**NATIONAL RAILROAD ADJUSTMENT BOARD****THIRD DIVISION****(Supplemental)**

Morris L. Myers, Referee

**PARTIES TO DISPUTE:****WILLIAM EVENGER****RAILWAY EXPRESS AGENCY, INC.****BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP  
CLERKS, FREIGHT HANDLERS, EXPRESS AND  
STATION EMPLOYEES**

**STATEMENT OF CLAIM:** I am hereby informing you that after a long dispute between REA Express, The Brotherhood and Me, I have no choice but make a submission to the National Railroad Adjustment Board. I bid several times on a bulletined job for promotion concerning a Senior Computer Operator. After several attempts I passed the prescribed written test. I know that this test is intended for another field (Programmer Aptitude Test) and besides is a violation of the Rule 3 of the agreement because the 'Prime consideration for a promotion is Seniority'. The Bulletined Job I mentioned above was immediately abolished every time I bid on it as I can prove by documents. Instead of awarding these positions to me they were given to accepted employes that had only started in the company for a short time. The Brotherhood that has a perfect understanding with the REA Express never cared to protect my rights and told me many times that the Company can do everything they want to. I have a witness for this statement. My question is this: Whether or not the REA Express can be so dictatorial taking away my freedom of opportunity by practicing unfair policies that are constantly displayed. I personally would like to see all the new rules created by the Management that are not in the Agreement. Can they create rules without the National Railroad Adjustment Board's knowledge? I am happy to have this opportunity to bring to your attention all this matter.

**OPINION OF BOARD:** The record shows that the alleged dispute covered by this docket is not properly before this Board for the reason that it was not handled "in the usual manner" as provided for in Section 3, First (i) of the Railway Labor Act, as amended, and as set forth in the rules of the Agreement between the Railway Express Agency, Inc. and the Brotherhood of Railway and Steamship Clerks, Freight Handlers and Express Station Employees. See Awards 6506 and 11212. The claim will 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;

That the Board has no jurisdiction over any dispute Claimant may have with the Clerks' Organization;

That the claim was not properly handled prior to submission to the Board.

#### AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of February 1969.