



Award Number 17624

Docket Number MS-18336

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Ellis, Referee

PARTIES TO DISPUTE:

EDWIN C. NAGEL

**THE DETROIT AND TOLEDO SHORE LINE RAILROAD
COMPANY**

STATEMENT OF CLAIM: Claim and request of Edwin C. Nagel that he was wrongfully discharged from the service of The Detroit and Toledo Shore Line Railroad Company on the 1st day of February, 1966, and seeks reinstatement with full seniority unimpaired and with back pay for all lost time from the 1st day of February, 1966, until the date of determination herein, and for such other relief as is proper in the premises.

OPINION OF BOARD: The record clearly shows that the claim the Petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim is barred from consideration by the Division and 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 this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim is barred.

A W A R D

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 19th day of December 1969.

Central Publishing Co., Indianapolis, Ind. 46206

Printed in U.S.A.