



Award Number 17796

Docket Number MC-18447

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

SAMUEL COOPER

THE PULLMAN COMPANY

STATEMENT OF CLAIM: In the matter of a dispute between

Samuel Cooper
308 Florida Street
Buffalo, New York 14208

Petitioner

and

The Pullman Company
165 North Canal Street
Chicago, Illinois 60606

Respondent

This dispute arises under an agreement between The Pullman Company and the Brotherhood of Sleeping-Car Porters dated May 27, 1968. A copy of the Agreement is attached, marked Exhibit A.

Article V, Section 1, of the Agreement provides as follows:

"Any dispute involving the interpretation or application of any of the terms of this agreement not settled with the company within thirty (30) days after the date the dispute arises may be submitted by either party for final and binding resolution in accordance with the provisions of Section 3 of the Railway Labor Act, amended."

The Pullman Company has denied petitioner's claim for relief herein by letters dated April 16, 1969, April 24, 1969, June 4, 1969, and September 26, 1969. Further, as provided under 29 C.F.R. 301.5(d), substantially all of the data submitted in support of petitioner's positions herein was contained in petitioner's letter of claim to The Pullman Company dated May 26, 1969. (Exhibit B) Accordingly, all pre-arbitration requirements have been satisfied.

OPINION OF BOARD: A careful review of the record indicates 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. The claim is, therefore, barred from consideration by the Division and will be dismissed.

A discussion of the merits of this case would not be proper at this time.

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 facts of record show that this matter has not been properly progressed to the Board.

A W A R D

Claim dismissed without prejudice.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 27th day of March 1970.