

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

GEORGE E. ROCKEY

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: This matter arises out of a violation of the labor agreements between the Brotherhood of Maintenance of Way Employees and the Chicago Rock Island and Pacific Railroad.

This violation occurred August 20, 1967 at a meeting held at Fairbury, Nebraska, regarding the abolishing of 15 maintenance gangs and establishing of 10 maintenance gangs. Verbal protests were made at the meeting to no avail. Written protests have brought about admissions of the violations but no corrections have been made to date.

It is my only wish and intent to have these violations corrected and the outstanding claims against the same settled.

OPINION OF BOARD: The record shows that a Notice of Intent to submit this claim ex parte was filed by the Claimant, George E. Rockey, with the Division prior to final disposition of the claim by the authorized Carrier Officer and Representative of the Organization designated to handle such disputes on the property.

The language of Section 3, First (i) of the Railway Labor Act and the regulations of the Board (Circular No. 1, October 10, 1934) requires full compliance with procedures set forth therein governing the processing of claims on the property before being submitted here on appeal. These provisions are mandatory and not susceptible of avoidance because of extenuating circumstances.

The Board accordingly finds that the claim in docket was prematurely submitted and that it must, therefore, be dismissed for failure to comply with the procedural requirements of the Act and the regulations issued pursuant thereto cited therein.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 must 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 30th day of September 1970.

Keenan Printing Co., Chicago, Ill.

Printed in U.S.A.