

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19536
Docket Number MS-19758

I. M. Lieberman, Referee

(James W. Elwood

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PARTIES TO DISPUTE: (Chicago and North Western Railway Company

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(American Train Dispatchers Association

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission April 6th, 1972 covering an unadjusted dispute between me and the Chicago & NorthWestern Railway and the American Train Dispatchers Assn.

Claim: To be returned to my former position held, before being pulled out of service, with all rights un-impaired, and to collect for a days pay that I reported for work and was not allowed to work it.

Parties: Chicago & NorthWestern Railway Company and American Train Dispatchers Assn.

Statement of Claim: 1--To be returned to my regular assigned job, with all rights un-impaired, with no contingency that the person now holding said job, to have the right to displace me off of it.

2-To be paid for a days pay for reporting to work on the Extra board and being denied the right to work it, in place of the regular man working his rest day.

OPINION OF BOARD: A review of the record in this case clearly shows that the claim 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 (1) 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, 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;

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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:


Executive Secretary

Dated at Chicago, Illinois, this 20th day of December 1972.