

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19812
Docket Number MSX-19809

Irwin M. Lieberman, Referee

(Roman Rozanski
PARTIES TO DISPUTE: (
(REA Express

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 on the 30 days from the date of the letter dated as of April the 19th of April 1972, covering an adjustment of dispute between me and the Railway Express Agency, involving the question of vacation.

Part B 2 : That in 1971 I was promised a vacation by the manager and have not received it, since I was a furlough employee at that time and also ninth on the list, every furlough employee above received their vacation but me. Here is my work list of dates that I have worked in 1971.

Jan. (14 days) dates	13-14-15-16-17-19-20-21-23-25-27-29-30.
Feb. (8 days)	1-5-6-10-11-17-18-25.
March (3 days)	11-12-27
April (none)	
May (7 days)	5-6-10-12-13-14-20.
June (4 days)	1-2-3-18.
July (6 days)	14-15-19-20-23-29.
Aug. (11 days)	6-12-13-17-18-19-20-25-26-27-30.
Sept. (9 days)	1-2-3-13-14-15-16-17-24.
Oct. (none)	

And then on November the 26th I have received employment someplace else, so my record shows that I have worked the total of 62 days in that year for the R.E.A. and that I should be able to receive a vacation from the company for the year of 1971.

The ruling that the company had was as follows, that a furlough employee must qualify for a vacation by working an average of three days a week for two months immediately preceeding his request for a vacation.

OPINION OF BOARD: Review of the record in this docket 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 (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Claimant ignored Rule 11 (i) and filed his claim directly with this Board. Therefore, the claim is barred from consideration by the Division and will be dismissed.

The record discloses that the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees appeared as an interested third party and filed a submission in support of the claim; but since the matter has not been handled in the usual manner on the property, we cannot consider other issues.

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:


Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1973.