

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19828

Docket Number MS-19694

Alfred H. Brent, Referee

(A. E. Horn

PARTIES TO DISPUTE: (

(The Denver and Rio Grande Western Railroad Company

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 April 15, 1972 covering an unadjusted dispute between us and The Denver & Rio Grande Western Railroad involving the question:

That Carrier violated the telegrapher's June 23rd Agreement of 1967 when it made the two positions at Colorado Springs, Colorado five day positions instead of the seven day positions that were covered in said Agreement.

Compensation for the two telegraphers for two days each per week while violation continues.

OPINION OF BOARD: The Petitioner alleges that when the Carrier made two seven day positions into five day positions it violated the Telegraphers' Agreement. A review of the record in this docket clearly shows that the claim the Petitioner is attempting to assert before this Board was not processed on the property in accordance with the provisions of the applicable collective bargaining agreement, nor as required by Section 3, First (i) of the Railway Labor Act, nor in accordance with Circular No. 1 of the National Railroad Adjustment Board.

This Board has held that it is bound by the manner in which the claim was processed on the property. This claim was processed improperly and it is therefore barred from consideration by the Board and is 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

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That the Agreement was not violated.

A W A R D

The claim was improperly processed on the property. The claim is dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

E. A. Killen  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of June 1973.