

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19897
Docket Number MSX-19936

Benjamin Rubenstein, Referee

PARTIES TO DISPUTE: (Douglas L. Spencer
(
(REA Express, Inc.

STATEMENT OF CLAIM: The claim as described by the Board, and for identification purposes only, is as follows:

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 by October 11, 1972 covering an unadjusted dispute between me and the REA Express Company, Inc.,

Rule 15 Section (m) Removal from service without a Hearing or medical examination.

Rule 15 Section (f) No effort to furnish employment.

Rule 13 Denial of Supplemental Unemployment Benefits.

Rule 7 Denial of earned vacation pay.

Rule 3 Section (o) Used to remove from service or harass.

Denial of continuation of group insurance to disabled.

OPINION OF BOARD: The Record discloses that this claim was not handled on the property in accordance with Rule 11 (i) of the Agreement between the parties. The grievant first started proceedings in a Court of law, and then sought to process the matter himself without following procedure outlined in the above section.

The claim, therefore, should be dismissed. Award No. 19777.

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 Employee involved in this dispute are respectively Carrier and Employee 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

The claim shall be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos.
Executive Secretary

Dated at Chicago, Illinois, this 8th day of August 1973.