

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20204
Docket Number MS-20257

Joseph Lazar, Referee

PARTIES TO DISPUTE: (Barbara Anne Jividen
(
(Chicago, Milwaukee, St. Paul and Pacific
(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 February 22, 1973, covering an unadjusted dispute between Barbara A. Jividen and Chicago, Milwaukee, St. Paul and Pacific Railroad Company involving the question:

- (1) Reinstatement, with full unimpaired seniority rights.
- (2) Full compensation for time lost while being illegally deprived of rightful employment as a switchboard operator under B.R.A.C. Agreement from January 4, 1971 to present time.

OPINION OF BOARD: The record is clear that the claim the Petitioner is attempting to assert before the 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. The claim is, therefore, barred from consideration by the Division, and will be 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;

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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: A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1974.