

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20224
Docket Number MSX-20245

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Irwin H. Johnson
(
(REA Express, Inc.

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 (30 days from date of this notice) covering an unadjusted dispute between me and the Railway Express Company involving the following question:

The denial of a paid vacation after working the required number of days.

OPINION OF BOARD: Careful scrutiny of the record shows that the claim asserted before this Board was not progressed on the property in accordance with the requirements of Section 3; First (i) of the Railway Labor Act and Circular 1 of the National Railroad Adjustment Board. Claimant disregarded Rule 11 of the controlling Agreement and filed his claim with this Board without availing himself of the intermediate contract grievance machinery.

In these circumstances the claim is not properly presented for consideration on the merits by the Division and will be dismissed. (See Awards 19951 and 19812)

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 dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulos*
Executive Secretary

Dated at Chicago, Illinois, this 30th day of April 1974.