

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20328
Docket Number MS-20445

Frederick R. Blackwell, Referee

PARTIES TO DISPUTE: (Russell D. Lamping
(Louisville and Nashville 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 November 8, 1973, covering an unadjusted dispute between me and the Louisville & Nashville Railroad Company involving the question of whether I should be restored to my job as store keeper, which job I had previously been guaranteed.

OPINION OF BOARD: The herein claim was the subject of direct conversations and phone talks between the Claimant and various Carrier and Organization officials; however, the claim was never submitted in writing to any Carrier official prior to the filing of Ex Parte Submissions with this Board. Such handling on the property self-evidently does not meet the requirements of Rule 45 of the Agreement under which all claims or grievances "must be presented in writing" and all appeals of denied claims must also be "in writing". On these facts, and the whole record, it is clear that the claim as submitted to the Board has not been presented and progressed on the property in accordance with the requirements of Section 3 First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, and Rule 45 of the applicable Agreement.

In view of the foregoing the Board has no alternative but to dismiss the claim.

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;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

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That the claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: AW. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 31st day of July, 1974.