

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20481
Docket Number MS-20540

David P. Twomey, Referee

PARTIES TO DISPUTE: (Louis C. Henry
(
(The Baltimore and Ohio Railroad Company

STATEMENT OF CLAIM: This is to serve notice as required by the rules of the National Railroad Adjustment Board, of my intention's to file an exparte submission (on 30 days from date of this notice) covering an unadjusted dispute between me and the Baltimore and Ohio Railroad involving the question.

Denied Protective Benifits.

OPINION OF BOARD: Before considering Petitioner's claim on its merits, we must first deal with procedural arguments raised by Respondent Carrier. These are:

1. The instant claim was not handled on the property in accordance with Section 3, First (1) of the Railway Labor Act.
2. Claim was not handled pursuant to the requirements of Article 16 of the United Transport Service Employees' Agreement.

A finding in favor of Respondent Carrier on any one of the two points will cause the claim of Petitioner to be dismissed and preclude this Board from consideration of the claim on its merits.

With respect to point 1, we find this claim was not handled on the property 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 this Board. We will dismiss the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

Claim dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 25th day of October 1974.