

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20551  
Docket Number MSX-20670

Robert A. Franden, Referee

(Paul Stone  
PARTIES TO DISPUTE: (  
(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 (30 days from the date of this notice) covering an unadjusted dispute between me and the REA Express Inc, 219 E 42nd St. N. Y. C.

I believe I have been illegally discharged by REA Express and not protected by the union involved B.R.A.C. local #2130.

I received a telegram to report for work on Dec. 13, 1972 which was never received by me. Subsequently I received a letter from REA Express dated Feb. 21, 1973.

I sued Western Union for their Notification failure and was paid by them for the one weeks salary I lost. This proves the responsibility of Western Union in this situation.

I seek restoration of my seniority rights on the Roster involved for REA's wrongful and illegal discharge.

OPINION OF BOARD: Claimant was dismissed from the service of the carrier for an alleged failure to comply with the Union Shop Agreement. Said Union Shop Agreement is Rule 14 of the Agreement.

The record reveals that the claimant has failed to progress this claim in accordance with the appeal provisions of Rule 14(d). Section 3, First (i) of the Railway Labor Act, as amended, provides that disputes "...shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes." The claimants failure to follow the appeal provisions of the Agreement and the quoted provision of the Railway Labor Act is sufficient cause for dismissal of this case. See Award 20079, Lieberman.

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 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 13th day of December 1974.