

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20616
Docket Number MS-20747

Francis X. Quinn, Referee

PARTIES TO DISPUTE: (William McNeil
(Seaboard Coast Line Railroad

STATEMENT OF CLAIM: This is to serve notice, as required by the Rules of the National Railroad Adjustment Board, of intention to file an ex parte submission on May 30, 1974, covering an unadjusted dispute between William McNeil, Section Laborer, and the Seaboard Coast Line Railroad Company, involving the question:

Was William McNeil wrongfully discharged from service of said company on February 9, 1971, for failure to pay dues between April 1st and December 31, 1970 to Brotherhood of Maintenance of Way Employees?

OPINION OF BOARD: This claim was not properly handled on Carrier's property pursuant to provisions of the collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board or Rule 40 of the Agreement between the Carrier and the Organization.

In terminating the service of the Claimant, Carrier acted strictly in accordance with the provisions of the Union Shop Agreement. The Claimant was cited for non-compliance by the Organization and Carrier followed the prescribed rules to the letter. The Claimant did not request a hearing in compliance with the applicable provisions of the Union Shop Agreement. Claimant was properly removed from Service under the Union Shop Agreement and therefore the claim must 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;

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

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There was no violation of the Agreement.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 21st day of February 1975.