

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20775
Docket Number MS-20739

Joseph A. Sickles, Referee

(William E. McBride et al
PARTIES TO DISPUTE: (
(Burlington Northern Inc.

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of our intention to file an ex parte submission on (30 days from date of this notice) covering an unadjusted dispute between us and the Burlington Northern Inc., involving the question:

The following employees of the Dining and Sleeping Car department of the Burlington Northern Inc. claim:

William E. McBride, merger benefits from the Burlington Northern Inc., for the month of March, 1974, plus adjusted merger benefits for the months April, May, June, 1974, and continuing until such time as this claim has been settled.

William H. Bugler, Jr., merger benefits from the Burlington Northern Inc., for the month of March, 1974, plus adjusted merger benefits for the months April, May, June, 1974 and continuing until such time as this claim has been settled.

B. M. McNeal and Fred Davis, merger benefits from the Burlington Northern Inc., for the months of March, April, May, June, 1974 and continuing until such time as compatible work is offered us by Burlington Northern Inc. in accordance with agreement between Burlington Northern Inc. and Brotherhood of Sleeping Car Porters.

OPINION OF BOARD: The claims deal with asserted rights to certain merger benefits. Carrier has submitted defenses on the merits and has raised certain jurisdictional questions. One such procedural objection disposes of the dispute.

Claims were submitted for compensation adjustments in March of 1974; which claims were denied. The record fails to show that Claimants ever appealed the denials. It is well settled that this Board does not have jurisdiction to consider disputes if they have not been handled in accordance with Section 3, First (1) of the Railway Labor Act. Accordingly, we will dismiss the claim.

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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

That the claims be dismissed.

A W A R D

Claims dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

G. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 18th day of July 1975.