

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20858
Docket Number MS-20727

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Albert G. Stewart
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(J. F. Nash and R. C. Haldeman, Trustees of the
(Property of Lehigh Valley Railroad Company

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 Lehigh Valley Railroad involving the question,

Can we as former Central Railroad of New Jersey employees (M of W Dept.) now employed by the Lehigh Valley Railroad (M of W Dept.) claim our full vacation rights according to the national agreement? The operating department received theirs. We have exhausted all means of obtaining them with the union and carrier.

OPINION OF BOARD: Claimant Albert G. Stewart was an employee on the former Pennsylvania lines of the Central Railroad of New Jersey, now under control of the Lehigh Valley Railroad. Claimant is employed in the Maintenance of Way Department of the Carrier and is subject to the provisions of the controlling Agreement in effect between the Brotherhood of Maintenance of Way Employees and Carrier. Included among the provisions of said Agreement are orderly procedures for the handling of grievance claims through an escalating machinery culminating in a decision by the Director of Labor Relations and Personnel. Failing resolution through on-property procedure, claims may be referred to our Board for handling and disposition.

Our review of this record leaves no doubt that the instant claim was not handled in accordance with the provisions of the collective bargaining agreement. On the contrary, Claimant completely by-passed the machinery on the property and filed his claim directly with our Board. Such handling is not consistent with the requirements of Section 3 First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred for consideration by the Division, and will 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;

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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 14th day of November 1975.