

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20976  
Docket Number MS-20888

Louis Norris, Referee

(James A. Adair  
PARTIES TO DISPUTE: (  
(Erie-Lackawanna Railway Company

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 on September 3, 1974 covering an unadjusted dispute between me and the Erie Lackawanna Railway Company involving the following question:

Failure and continued refusal of company to award Petitioner the position of Clerk-Machine Operator, Bulletin Number 31, July 17, 1973, for which he is entitled pursuant to applicable agreement.

OPINION OF BOARD: A review of the record in this case indicates that the claim filed with the Board has never been handled in the usual manner on the property as required by Section 3, First (i) of the Railway Labor Act, in that there was no handling with either the Superintendent or the General Manager-Labor Relations, nor was there a conference on the property as required by the Railway Labor Act and Circular 1 of the National Railroad Adjustment Board.

Furthermore, the General Chairman advised Claimant's attorney under date of March 1, 1974 of the applicable agreement provisions (Letter Agreement dated July 24, 1948) and gave him a copy thereof. It is apparent that the procedures provided for by the Letter Agreement dated July 24, 1948 were not followed in this case.

As noted in Award 14697, involving this Carrier, "grievances cannot be initiated at the Board level and the requisite filing and appeals procedure must be followed."

To the same effect, See Awards 10794, 17624, 17668 and 18149, among others.

In the light of the foregoing, therefore, we find that this Division is without jurisdiction to consider this case on the merits. Accordingly, the claim is dismissed.

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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. Paulos*  
Executive Secretary

Dated at Chicago, Illinois, this 27th day of February 1976.