

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21034
Docket Number MS-21247

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Dean E. Swioklo
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(Burlington Northern 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 on June 11, 1975 covering an unadjusted dispute between me and the Burlington Northern, Inc. involving the question:

Terminated from Building Service position on September 12, 1974 without proper notice.

OPINION OF BOARD: The record of this dispute indicates that Claimant failed to follow the prescribed procedure for appeal set forth in Rule 56 of the Collective Bargaining Agreement. It is clear therefore that this Claim was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (1) of the Railway Labor Act, as amended. For this reason we are precluded from considering this dispute on its merits and it 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 the Board lacks jurisdiction.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 15th day of April 1976.