

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21487
Docket Number MS-21564

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: (Robert L. Alford, Jr.
(Illinois Central Gulf Railroad 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 March 4, 1976, which is 30 days from this notice, covering an unadjusted dispute between me and the Illinois Central Gulf Railroad involving the question:

Robert L. Alford, Jr. is entitled to and claims a job comparable to the one he held prior to the merger of the Illinois Central Railroad and the Gulf, Mobile and Ohio Railroad; further, he is entitled to and claims that this job should be at such a locality that he will not be forced to drive long distances to work; nor, to work at long nor odd hours; further, that he is entitled to and claims that he should not have to cross division lines to work and that he be allowed to carry his seniority with him.

OPINION OF BOARD: Section 3, First (i) of the Railway Labor Act provides, in pertinent part, that disputes between an employee and a Carrier shall be handled in the usual manner up to and including the chief operating officer of the Carrier designated to handle such disputes. On this property for employees represented by the Organization the usual manner of handling disputes is prescribed by Rule 25 of the Schedule Agreement. Rule 25 provides, in pertinent part, that the officer of the Company authorized to receive a claim or grievance is the Superintendent of the division on which the claimant holds seniority. If a claim is disallowed by the Superintendent, then Rule 25 provides that appeal may be taken to the Director of Labor Relations who is the highest officer designated by the Company to handle such disputes.

The record before us evidences that no claim or grievance has been filed in writing with the Superintendent, nor appealed in writing to Carrier's Director of Labor Relations. Inasmuch as the claim before this Board has not been handled on the property in accordance with Section 3, First (i) of the Railway Labor Act, nor with Schedule Rule 25, this Board must dismiss the claim as a result without reaching the merits thereof.

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 Employes involved in this dispute are respectively Carrier and Employes 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:

G. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1977.

