

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21530  
Docket Number MS-21473

William G. Caples, Referee

PARTIES TO DISPUTE: (L. L. Thibodaux  
(  
(Southern Pacific Transportation Company  
( Texas and Louisiana Lines

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 January 25, 1976 covering an unadjusted dispute between me and the Southern Pacific Transportation Company involving the question:

What position entitled at Flatonia.

Rate of pay entitled at Flatonia.

OPINION OF BOARD: The record is clear that the claim the Petitioner is attempting to assert before this Board 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 (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. The claim is, therefore, barred from consideration of 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;

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. Paulsen*  
Executive Secretary

Dated at Chicago, Illinois, this 19th day of May 1977.