

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21552
Docket Number MS-21468

Robert M. O'Brien, Referee

PARTIES TO DISPUTE: (Terry William Halter
(
(Chicago, Rock Island and Pacific Railroad Company
((William M. Gibbons, Trustee)

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 19, 1975 covering an unadjusted dispute between me and The Chicago Rock Island and Pacific Railroad Company involving the question:

That the undersigned, Terry William Halter, was an employee on or about the 1st day of July, 1972 of the Chicago Rock Island and Pacific Railroad Company, said company doing business in the State of Iowa and being a corporation organized under the Laws of the State of Delaware.

That the said Terry William Halter was wrongfully discharged from further employment and placed on a leave of absence by the said railroad.

That said wrongfully disqualification and suspension of his employment was damaging to his financial ability to pay his creditors and to his reputation and credit rating and was unreasonable and beyond the scope of the employees' duties under the contract with the Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.

That the said Terry William Halter has requested many times that action be taken by the General Chairman of the Union and the said General Chairman refused to assist the said claimant in his claim against the railroad.

That the suspension of Terry William Halter has caused him to suffer special damages in the form of back wages in the sum of \$8,124.19, hospital and doctor bills in the sum of \$144.00, the total amount being in the sum of \$8,268.19.

That in addition to the above claim the said Terry William Halter has suffered damages to his credit rating, professional career, to his employment record and other general embarrassment and defamation of character all in the sum of \$100,000.00.

That said claim here is in the sum of \$108,268.19.

OPINION OF BOARD: This Board has carefully examined the record at hand. We are constrained to conclude therefrom that the claim Petitioner is attempting to assert before this Board has not been handled on the property in accordance with the provisions of the applicable Agreement as required by Section 3, First (i) of the Railway Labor Act and by Circular No. 1 of the National Railroad Adjustment Board.

Inasmuch as the Petitioner has failed to progress the instant claim in the usual manner on the property, the claim is barred from consideration. Accordingly, this Board is left no alternative but to dismiss the claim as a result.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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

Claim not progressed on the property as required by Section 3, First (i) of the Railway Labor Act.

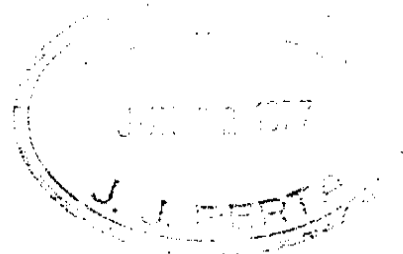
A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary



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