

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21599
Docket Number MS-21789

Robert W. Smedley, Referee

PARTIES TO DISPUTE: (Junior S. Burton
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(Western Maryland Railway Company

STATEMENT OF CLAIM: Question claim involved is loss of wages.
Parties: Supervision Mr. S. C. Beeler.

Statement of Claims: Reason for award is desired due to junior employee operating machine which should have been bought out for bid within ten days.

OPINION OF BOARD: Section 3, First (i) of the Railway Labor Act and Circular No. 1 of this Board mandates that the claim appealed to this Board must be the same claim as was handled on the property.

Because, in this docket, there is a substantial difference between the claim which has been presented to our Board and the claim which was initiated and progressed on the property on behalf of claimant, it cannot be said that it has been handled in the usual manner. Therefore, we are compelled to dismiss the claim and need not consider it on the merits. See Award Nos. 8772, 12178, 19218, 20456 and 20841.

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 was not handled in the usual manner.

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 30th day of June 1977.