

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21730
Docket Number MS-21756

Robert W. Smedley, Referee

PARTIES TO DISPUTE: (Glen E. Jessup
(
(The Baltimore and Ohio 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 May 21. 1976 covering an unadjusted dispute between me and the Baltimore & Ohio Railroad Co. involving the question -

Concerning the Carrier's failure to perform the conditions of a coordination agreement between The Baltimore and Ohio Railroad Co. and the Brotherhood of Railway Airline and Steamship Clerks Freight Handlers Express and Station Employees of The Baltimore and Ohio Railroad Company dated May 29- 1975 and violation of several rules of the Agreement dated June 4-1973.

I am asking the Baltimore & Ohio Railroad to comply with these Agreements which would result in an award to me of back pay in the amount of 3.72 dollars for each day I have worked since July 7-1975 and continue as long as the Agreements apply.

OPINION OF BOARD: This is a case in which the record clearly shows that the provisions of Section 3, First (i) and Section 2, First, Second and Sixth of the Railway Labor Act, as amended have not been met. The record does show that several letters were exchanged between the claimant and various Carrier and Organization officials. Several of these letters informed claimant relative to this responsibility to handle his claim or grievance within the framework of the collective bargaining Agreement. From this record it is apparent that he did not do so.

Therefore, based on the record before us and because the claim here involved was not handled in the usual manner on the property before it was submitted to this Board, it is barred from consideration by our Board and 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;

Award Number 21730
Docket Number MS-21756

Page 2

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That the claim was not progressed on the property as required by the Railway Labor Act; and

That this Division of the Adjustment Board does not have jurisdiction to decide the dispute involved herein on its merits.

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 29th day of September 1977.

