

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21902
Docket Number MS-22032

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Thomas E. Dick
(
(Con Rail (Former Penn Central Transportation
(Company)

STATEMENT OF CLAIM: This ex parte submission will be concerning an unadjusted dispute between me and the Penn Central Railroad (Conrail). The letter will be involving the question of whether I quit my job, and if I can be reinstated in my job with the Railroad.

I claim that I did not quit my job, and I believe that they owe me unemployment for the time I've been off. Also, I believe that I should be reinstated in my job with the Railroad.

OPINION OF BOARD: The Claimant - who had been employed as a trackman on May 9, 1974 - failed to report to a designated work location on April 15, 1975, and gave no reason for the failure at the time. On May 21, 1975, Carrier terminated his employment status. Nothing was heard from the employe until the Fall of 1976, when he filed a claim with this Board.

Our review of the record herein demonstrates that the claim was not handled in the "usual manner" under the applicable Agreement Rule (4-L-1). Accordingly, Claimant did not comply with the mandates imposed by Section 3, First, (i) of the Railway Labor Act and we have no recourse but to dismiss the claim.

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 the claim was not progressed on the property as required by the Railway Labor Act, and that this Division of the Railroad 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 15th day of February 1978.

