

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21998
Docket Number MS-22324

PARTIES TO DISPUTE: (Julian Williams
(
(The Alton and Southern Railway Company

STATEMENT OF CLAIM: 1. Carrier violated the Clerks' Agreement, in particular Rule 10, when it dismissed Clerk Julian Williams from its service on June 12, 1976.

2. Carrier's action was arbitrary, harsh and an abuse of discretion.

3. Carrier shall now be required to reinstate Mr. Williams to service with all rights unimpaired and compensate him for all losses sustained with claim beginning on June 12, 1976, and continuing each day thereafter until he is returned to Carrier's service.

OPINION OF BOARD: Under date of August 29, 1977, Petitioner notified this Board of his intention to file, within thirty days, an Ex Parte submission on the above Statement of Claim, in accordance with Section 3 of the Railway Labor Act and Circular No. 1 of this Board. In due course, and in accordance with the procedures of the Third Division, respondent Carrier was notified of the pendency of the dispute and requested to file its submission.

Petitioner died on October 1, 1977, before filing his submission and although his mother did communicate with the Board, her communications fail to meet the minimum requirements of Circular No. 1 regarding form and substance of a submission. ✓

Under these circumstances, the Board is left with no alternative but to dismiss the claim. 7

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 Employee involved in this dispute are respectively Carrier and Employee 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 will be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March, 1978.

