

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22116
Docket Number MS-22249

Rolf Valtin, Referee

PARTIES TO DISPUTE: (Terry L. Collins
(
(Consolidated Rail Corporation

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of our intention to file an ex parte submission on June 6, 1977, covering an unadjusted dispute between us and Consolidated Railroad involving the question:

Managements failure to merge all the Maintenance of Way Employes rosters of all the railroads that make up Con Rail in their allotted time of 60 days after April 1, 1976.

OPINION OF BOARD: The claimants seek the merging of seniority rosters in connection with the take-over by Con Rail of certain Carriers. The difficulty is that the claim has not been submitted to the grievance procedure at the property. It was filed directly with the Board.

Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board require that disputes be processed in the usual manner as provided in the parties' Agreement before they may be submitted to this Board for resolution. Given the fact that this requirement was not fulfilled, we have no choice but to dismiss the claim without consideration of its merits.

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 potential dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

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

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That this Division of the Adjustment Board has no jurisdiction
over this dispute.

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 16th day of June 1978.

