

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22120
Docket Number MS-22157

Louis Yagoda, Referee

PARTIES TO DISPUTE: (Russell W. Teske, et al
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(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 April 25, 1977 covering an unadjusted dispute between us an [sic] Conrail on the question:

The abolishment of our jobs with no seniority rights from our years of service with the Erie Lackawanna Railroad, even though we received a notice dated Feb. 26, 1976 from Consolidated Rail Corporation stating that our seniority would continue if we accepted employment with them... We have tried to find out how we stand and all we heard "It's legal". We have not seen any of the agreements that is claimed.

OPINION OF BOARD: From a reading of this case it is apparent that the subject matter, which Petitioner has asserted before this Board, was not presented or processed on the property.

Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board require that disputes be handled in the usual manner as provided in the Parties' Agreement before they may be submitted to this Board for resolution. Inasmuch as Petitioners failed to progress the instant Claim in accordance with this prescribed procedure, we are barred from consideration of it. The Claim must be and is hereby 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;

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 no jurisdiction over the dispute involved herein; and

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

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.

