

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22404
Docket Number MS-22390

Abraham Weiss, Referee

PARTIES TO DISPUTE: (Mark Wright
(
(Consolidated Rail Corporation

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 February 11, 1978 concerning an unadjusted dispute between me and the Con Rail System Federation involving the following described claim: The failure of the Con Rail System Federation to pay me my justly earned and deserved pay for services I rendered to them while in their employ on January 3 through January 6, 1977 inclusive."

OPINION OF BOARD: Claimant alleges that he worked for the Carrier from January 3 through January 6, 1977, inclusive, without being compensated for such service performed. The record contains no evidence that a claim for such compensation was initiated or progressed in the usual manner on the property, but was submitted directly to this Board for adjudication.

Accordingly, the claim Petitioner is attempting to assert before the Board was not handled on the property in accordance with provisions of the applicable collective bargaining agreement, as required by Section 3, First (i) of the Railway Labor Act and, therefore, the claim is barred from consideration by the Division and will 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;

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;

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That this Division of the Adjustment Board has jurisdiction
over the dispute involved herein; and

That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 16th day of May 1979.

