

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22502
Docket Number MSX-21055

George S. Roukis, Referee

PARTIES TO DISPUTE: (F. J. Stork
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(REA Express, Inc.

STATEMENT OF CLAIM: "This is to serve notice as required by the rules of the National Railroad Adjustment Board of my intentions to file an ExParte submission covering and unadjusted dispute between me and the REA Express involving the question of my vacation pay. I worked as Service center Manager, Rochester Minn. This claim is for \$80.48. Had earned 25 days of vacation pay as Service center Manager year 1973 to be paid in 1974 as of this date was paid only for 23 days.

Filed claim Feb. 1974 thru Mr. R. L. Baldwin, St. Paul, Minn. and to L. L. Nelson Chicago, Ill. for the amount of \$80.48.

These are the facts and in my opinion an oral hearing should be up to the Union which I had paid into all these years."

OPINION OF BOARD: Our review of the record in this case clearly shows that the claim which petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the requirements of the applicable collective bargaining Agreement as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of this Board. Therefore, the claim as described above is barred from consideration by this Division and is accordingly 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 Employes involved in this dispute are respectively Carrier and Employes 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

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That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A.W. Paulha
Executive Secretary

Dated at Chicago, Illinois, this 31st day of August 1979.

