

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22661
Docket Number MS-22818

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Leslie Joseph Nance, II
(
(The Chesapeake and Ohio Railway Company
((Southern Region)

STATEMENT OF CLAIM: "DISQUALIFICATION - TIE FORCE 1210 - HUNTINGTON, WV
Parties involved - 1st. Foreman - Dickie Jobe
Engineer Track Force - Harm Holbrook

1. Do not believe reason for disqualification as stated by 1st Foreman to be true and accurate reason for disqualification.

2. C & O Rules state that a disqualification must be given in writing to the employee within the 60 calendar days of employment or he is considered as being accepted. I was not notified until 62 days and was not given a reason or written notice until approximately 86 days."

OPINION OF BOARD: The record before the Board clearly shows that the claim that the claimant is attempting to assert here has not been handled in the usual manner on the property up to and including the Chief Operating Officer of the Carrier designated to handle such disputes as required by Section 3, First (i) of the Railway Labor Act, Circular No. 1 of the National Railroad Adjustment Board, and the rules of the applicable collective bargaining agreement. The claim is, therefore, not properly before the Board and must be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 jurisdiction over the dispute involved herein; and

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That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 14th day of December 1979.

