

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22789  
Docket Number MS-23068

(D. J. Jones  
PARTIES TO DISPUTE: (  
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "This is to serve notice, as required by the rule of the National Railroad Adjustment Board, of my intention to file an ex parte submission on May 21, 1979, covering an unadjusted dispute between me and ConRail Corp. involving my Thermit Welder rights and ConRail not awarding me a Thermit Welder Helper job. ConRail said I had lost all my rights as a welder. The one main party involved that started this whole problem is Mr. Jim Burns, a former Welding Supervisor. He was the one who said I was disqualified as a Thermit Welder when I didn't bump M. L. Mayes as a gas welder in Middletown, Ohio. I tried to explain to him that this man (M. L. Mayes) was older than me but he said he wasn't. So Mr. Burns supposedly wrote a letter of disqualification that said I was disqualified as a welder, but as of this day I have never seen a copy of this letter. I have tried but never succeeded., etc."

OPINION OF BOARD: Our review of the entire record clearly shows that this claim which petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with requirements of the applicable collective bargaining Agreement as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, this 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 hearing was held and concluded;

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

Award Number 22789  
Docket Nubmer MS-23068

Page 2

That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A.W. Paulose  
Executive Secretary

Dated at Chicago, Illinois, this 14th day of March, 1980.

