

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23239
Docket Number MS-23455

Paul C. Carter, Referee

PARTIES TO DISPUTE: (Vernell Baldwin
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(Illinois Central Gulf Railroad

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 April 28, 1980 covering an unadjusted dispute between me and the Illinois (sic) Central Gulf Railroad involving the question:

My dismissal on November 23, 1979 for alleged violation of Rule 10(A) and Rule 38, in accordance with the Schedule of Rules and Working Conditions governing (sic) the Maintenance of Way and Structures Department dated April 27, 1978."

OPINION OF BOARD: The record before the Board is clear that the claim that the claimant is attempting to assert before the Board has not been handled on the property in accordance with the requirements of Section 3, First (i) of the Railway Labor Act. Under such conditions, the Board has no alternative but to dismiss the claim.

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

That the claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulsen
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March 1981.