

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award Number 24329
Docket Number MS-24823

PARTIES TO DISPUTE: (Manuel M. Sanchez
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: "EMPLOYMENT - I request my employment - once my submission has been reviewed and if I am correct I also request back pay for all the time that my job was refused."

OPINION OF BOARD: The claimant seeks employment and back wages for all time that employment was refused. A review of the record indicates no evidence that a claim for such employment and compensation was ever initiated or handled in the usual manner on the property as provided by the collective bargaining agreement, but was submitted directly to this Board for adjudication.

Section 3, First (1) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board require that disputes be processed in the usual manner as provided in the parties' Agreement before they may be submitted to this Board for resolution. Given the fact that this requirement was not fulfilled, we have no choice but to dismiss the claim without consideration of its merits.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That hearing as requested was held and concluded;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 is barred.