

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24563
Docket Number MS-24595

Tedford E. Schoonover, Referee

PARTIES TO DISPUTE: (Thomas DeRossett
(
(Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM: "This is to serve notice, as required by the National Railroad Adjustment Board, of Tom DeRossett's intention to file an exparte submission on February 10, 1982, covering an unadjusted dispute between Tom DeRossett and the C & O Railway Company to wit:

This is to Appeal the dismissal of Thomas DeRossett for being quarelesome (sic) and insubordinate when signing a Safe Job Procedure Log under protest."

OPINION OF BOARD: Section 2 Second and 3 First (i) of the Railway Labor Act, as amended and Circular No. 1 of the National Railroad Adjustment Board require that disputes be considered in conference and, if possible, decided on the property before being submitted to this Board for consideration and decision. The instant claim was not progressed on the property in accordance with this required procedure and is therefore barred from consideration. The claim must be and is hereby 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 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

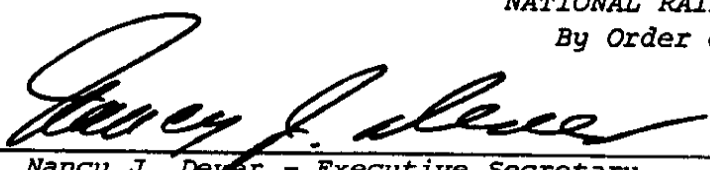
That the claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 17th day of November, 1983.