

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25035  
Docket Number MS-25315

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Antonio Gandarilla  
(  
(Burlington Northern Railroad Company

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 covering an unadjusted dispute between me and the Burlington Northern Railroad involving the question:

My being dismissed from service of the Burlington Northern Railroad on October 12, 1981, and my desire to have my job and seniority reinstated to me."

OPINION OF BOARD: The Claimant, herein, had been granted a leave of absence expiring on August 27, 1981. When he failed to return to work on August 28, 1981, the contract provided that he forfeit his seniority.

Approximately one year later, Carrier received a letter from the Claimant, dated August 9, 1982, in which he essentially requested assistance for reemployment with the Carrier.

The Board has carefully reviewed the record before it in the instant case. On this record, while we recognized the peculiarity of the Claimant's situation, as brought forth by him, the provisions of the Railway Labor Act with respect to the processing of claims are explicit. Its application to this dispute, as herein, has been affirmed by numerous awards of this and other Divisions.

The Board finds that the claim was not handled on the property in accordance with Section 3, First (i) of the Railway Labor Act. Accordingly, the claim is barred from consideration by the Division and will 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

That the claim is barred.




A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

