

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25725
Docket Number MS-25544

Robert W. McAllister, Referee

PARTIES TO DISPUTE: (David C. Busk
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(Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

- "1. Is claimant entitled to protective pay for June through December of 1982 and 1983, January through September and continuing through the present;
2. Is claimant entitled to compensation for having been forced to sign away protective rights;
3. Is claimant entitled to punitive damages for being forced to sign away protective rights;
4. Is claimant entitled to position bid on and for which he was to begin June 9, 1982;
5. Is claimant entitled to loss of pay due to non-use of Guaranteed Extra Board positions;
6. Is claimant required to follow normal grievance/dispute procedures."

OPINION OF BOARD: This Board finds the reasoning and findings set forth in Award No. 25712 are applicable to the facts of this dispute. For these reasons, we affirm that this Claim was not handled in the usual manner as provided in the controlling Agreement and, accordingly, did not comply with Section 3, First (i) of the Railway Labor Act or Circular No. 1 of the National Railroad Adjustment Board.

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 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

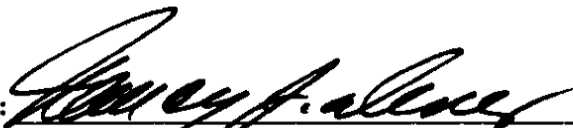
That the Claim is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of November 1985.

