

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27099
Docket No. MS-26945
88-3-85-3-684

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

(John Lemkau

PARTIES TO DISPUTE: (

(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM:

"Whether the Carrier must immediately suspend the improper application of Rule 14-D as it is now applied in the Los Angeles area."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The Board has carefully reviewed the total record before us. From this review, we find that the Claimant did not handle his claim on the property as required by Section 3, First (1) of the Railway Labor Act. The evidence shows that the Carrier was informed of this claim when it received a copy of Petitioner's Notice of Intent to proceed before the National Railroad Adjustment Board. Under the facts of record, therefore, the claim must be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 

Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 17th day of May 1988.