

The Third Division consisted of the regular members and in addition Referee Joseph A. Sickles when award was rendered.

(Dennis Stephen
PARTIES TO DISPUTE: (
(Chicago, Central and Pacific Railroad Company

STATEMENT OF CLAIM:

"1. H.J. Granier would not appeal my claim
I-15-90 violation of rule 532

(Railroad involved-See Instruction Sheet, Part A(3)

2. I-15-90 10 day suspension because of vicious conduct and provocation for altercation
3. I-26-90 is working day failure to report for duty at designated time and place.
4. Dismissal for attempting theft of company monies."
(sic)

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.

Subsequent to Investigations, Claimant was disciplined and dismissed from Carrier's service, and he has served notice to this Board of intention to file an Ex Parte Submission.

Our review of the record confirms the Carrier's assertion that the Claimant did not pursue "...the prescribed appeal process pursuant to Rules 35 and 36 of our schedule agreement...".

There are certain jurisdictional requirements of the Railway Labor Act, as amended. It is mandatory that the "usual handling" be adhered to. See Section 3, First (1) of the Act and Circular No. 1 of the Board. Since the Claimant failed to follow the jurisdictional requirements, we will dismiss the Claim.

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 30th day of April 1991.