

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 29991
Docket No. MS-31456
93-3-92-3-697

PARTIES TO DISPUTE: (Scott J. Nelson
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(Grand Trunk Western Railroad Company

STATEMENT OF CLAIM:

"During the week of July 13-17, I was on vacation which was scheduled a few months in advance as requested by management. The week after my vacation, I was told that I had not accumulated enough time in the prior year to qualify for a vacation this year. I should have been notified of this before I turned in my vacation choice. Essentially, my vacation was cancelled after I had already taken it. Therefore, I did not receive any compensation for the week in question."

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 employe 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.

At the request of the Claimant a Division hearing before the Division was scheduled and held.

Initially, we lack jurisdiction to consider the Claim. In accord with Section 3, First (i) of the Railway Labor Act, before we can consider a claim, the particular dispute "...shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes...." Moreover, Section 2, Second of the Act requires that all "...disputes between a carrier and its...employees shall be considered...in conference between representatives designated and authorized so to confer...by the carrier...and...the employees...." Circular No. 1 of this Board reiterates these jurisdictional requirements by stating "No petition shall be considered...unless the subject matter has been handled in accordance with the provisions of the Railway Labor Act...." There is no evidence of

this claim having been handled on the property nor is there any evidence of the required conference on the property. It is well established that we therefore lack jurisdiction to consider the Claim. See Third Division Award 25298 ("...this Board is pointedly precluded from reviewing and deciding Employee claims that were not fully handled on the Employer's property)." See also Third Division Awards 25676, 25709, 25514, 19751, 18951, 19709.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Catherine Loughrin
Catherine Loughrin -- Interim Secretary to the Board

Dated at Chicago, Illinois, this 17th day of December 1993.