

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30039  
Docket No. MS-29962  
94-3-91-3-359

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr. when award was rendered.

PARTIES TO DISPUTE: (Brian T. Shipley  
(  
(Chicago and North Western Transportation  
(Company

STATEMENT OF CLAIM:

"Whether or not Rule 24(b) of the T.C.U. (BRAC) Agreement effective May 15, 1972 is a restrictive rule. (ie)

Does Rule 24(b) Specifically prohibit returning 3(f) employees from bidding on and being awarded clerical positions until after they have been relieved from their former craft, or does the wording when relieved merely convey the status of 1(i), 1(j), and 7(b) employees who have (sic) been relieved of their positions under Rule 1(k).

If it is found that the wording, when relieved, is not restrictive to 3 (f) employees, I request that my original district 15 seniority (Oct 31, 1972) be transferred intact to district 17. I also request that I be allowed certain a monetary award because of my seniority (sic) being restricted for over two years to date."

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.

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

The record in this Claim includes extensive correspondence between the Claimant, the Carrier and various others. The record

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does not show, however, that the Claim was handled in the usual fashion on the property, which is a firm requirement prior to consideration by the Board. Under this circumstance, the Board is without authority to consider the Claim.

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 February 1994.