

NATIONAL RAILROAD ADJUSTMENT BOARD  
FIRST DIVISION

With Referee Robert M. O'Brien

Award 22 428

Docket 42 484

PARTIES ( Brotherhood of Locomotive Engineers  
TO (   
DISPUTE ( Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Request that thirty (30) days suspension be removed from the record of Engineer O. Murphy and that he be paid for time lost during the period January 14, 1969 to February 14, 1969, without deductions from earnings from other sources."

FINDINGS: The First Division of the National Railroad Adjustment Board, upon the whole record and all the evidence, finds that the parties herein are carrier and employe within the meaning of the Railway Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

The record before the Division is devoid of any evidence that conference was held in the progression of this claim on the property.

Respondent carrier affirmatively asserts a conference with the highest designated carrier officer has been a part of the usual manner of handling claims and grievances on this property. This assertion has not been effectively challenged or controverted by petitioner with evidence of probative value.

Under these circumstances, and without entertaining the merits, the Division must hold the claim has not been handled in the usual manner on the property as required by Section 3, First (i) of the Railway Labor Act, as amended, and the claim will be dismissed for want of jurisdiction.

AWARD: Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
BY ORDER OF FIRST DIVISION

DATED AT CHICAGO, ILLINOIS  
THIS 18th DAY OF December 1973

ATTEST: Executive Secretary  
National Railroad Adjustment  
Board

By: *Tracy J. Dean*  
Assistant Executive Secretary