

NATIONAL RAILROAD ADJUSTMENT BOARD
FIRST DIVISION

Referee Robert M. O'Brien

Award 22 718

Docket 39 969

PARTIES (United Transportation Union (Successor to
TO (Order of Railway Conductors & Brakemen)
DISPUTE (The Delaware and Hudson Railroad Corporation

STATEMENT OF CLAIM: "Claim to cover Trainman J. H. Smith for one additional day's pay at passenger conductor rate for December 24, 1961, in addition to all other earnings for this date."

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.

Respondent contends "that this claim is not properly before the First Division, NRAB, because it was not progressed to a conclusion on the property in the usual manner as required by Section 2, Second, of the Railway Labor Act, as amended, in that the committee failed to handle this claim in conference with the highest officer of the carrier designated to handle same." Petitioner has filed a reply to carrier's Answer in which the foregoing statement is left unchallenged and un rebutted.

On this state of the record we must find the claim is improperly before us and will be dismissed - see recent Awards Nos. 21 925, 22 097, 22 101 and 22 428.

AWARD: Claim dismissed,
per findings.

DATED AT CHICAGO, ILLINOIS
THIS 19th DAY OF November, 1974

NATIONAL RAILROAD ADJUSTMENT BOARD
BY ORDER OF FIRST DIVISION

ATTEST: Executive Secretary
National Railroad Adjustment
Board

By: *Rosey J. Deas*
Assistant Executive Secretary