

Award No. 11212

Docket No. MSX-13746

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

FRENNIE DRAPER

vs.

RAILWAY EXPRESS AGENCY

and

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES

STATEMENT OF CLAIM: In the fall of 1960, I bid on the Roanoke-Marion Over-the-road Truck run. No other one with more seniority than me bid on it. Two or three with less seniority and one with only status. Mr. Buchanan was awarded the job. I protested and Mr. Meredith and Mr. McArthur told me that I would have to be qualified before I was awarded a job. Completely disregarding Rule 8, page 7 of the Express Agreement.

They told me I could not even drive the truck on the Public Highways as the law did not allow it, but I talked with a State Trooper and he told me with my Chauffeur's license and Health Card, I would not be kept off any Highway in the United States unless the Company did it, etc.

OPINION OF BOARD: The record shows that the alleged dispute covered by this docket is not properly before this Board for the reason that it was not handled "in the usual manner" as provided for in Section 3, First (i) of the Railway Labor Act, as amended and as set forth in the rules of the Agreement between the Railway Express Agency, Inc., and the Brotherhood of Railway and Steamship Clerks, Freight Handlers and Express Station Employees. See Award 6506.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties to this dispute waived or did not request hearing thereon.

That the Carrier and the Employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That the Board has no jurisdiction over any dispute Claimant may have with the Clerks' Organization.

That claim was not properly handled prior to submission to the Board.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of THIRD DIVISION

ATTEST: S. H. Schulty

Executive Secretary

Dated at Chicago, Illinois, this 13th day of March, 1963.