

**Award No. 1512**

**Docket No. 1522**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**FOURTH DIVISION**

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**PARTIES TO DISPUTE:**

**CURTIS HARRIS**

**CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY**

**STATEMENT OF CLAIM:** I am filing this claim because the company hired a new man, Solomon Ross, with less seniority than I had during the time I was furloughed from July 8, 1959 to October 23, 1959.

I am asking the company to place my name above Solomon Ross, because I have more seniority than he has with the company.

Since the company has violated the rules, I am asking to be paid the salary that I would have earned during this time.

**OPINION OF BOARD:** The record shows, and it is not denied by Petitioner, that his claim was not presented to the Carrier as required by the procedural requirements of Article V of the controlling Agreement of October 18, 1954, between the Carrier and the Brotherhood of Sleeping Car Porters, nor was the claim handled on the property in accordance with the provisions of Section 3 First (i) of the Railway Labor Act, as amended. The Division finds that the facts contained in Carrier's initial submission are unchallenged and un rebutted and has no alternative but to dismiss the claim.

**FINDINGS:** The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employees 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.

The parties to said dispute were given due notice of hearing thereon.

**AWARD**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **FOURTH DIVISION**

**ATTEST:** Patrick V. Pope  
Secretary

Dated at Chicago, Illinois, this 30th day of November 1960.