

NATIONAL RAILROAD ADJUSTMENT BOARD  
FOURTH DIVISIONAward No. 3030  
Docket No. 3018

Referee Robert M. O'Brien

PARTIES  
TO  
DISPUTE:                   A. G. Augustine  
  
                                  Reading Company

STATEMENT  
OF CLAIM:                   That the Carrier's unilateral action in taking Patrolman  
                                  Albert G. Augustine out of service was unwarranted and  
                                  unjust.

That claimant be paid for all time lost and his record  
cleared of all charges. Time lost as a result of being  
held out of service from December 7, 1971 up to and  
inclusive of December 30, 1971, claiming one days pay  
on each of the following dates December 10, 11, 12, 13,  
14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 1971. In  
addition I'm claiming one days pay for work performed by  
junior officers in seniority status on my designated  
relief days which include the following dates, December  
8, 9, 15, 16, 22, 23, 1971. Claiming time and one half  
for each of these designated relief days, also holiday  
pay for date of December 25, 1971.

OPINION OF  
BOARD:                   Following a hearing Patrolman Augustine was found guilty  
                                  of insubordination and assessed discipline of 15 days suspen-  
                                  sion. He appeals from said discipline contending that it was  
                                  unwarranted and unjust.

A thorough review of the record before us reveals that  
nowhere in the handling of the claim on the property were the merits of the dispute  
ever discussed between the parties. Before this Board can exercise jurisdiction  
over a claim coming before it, it must be shown that the requirements of the Rail-  
way Labor Act have been complied with and Section 3, First (i) thereof provides  
that disputes "shall be handled in the usual manner up to and including the Chief  
Operating Officer of the Carrier designated to handle such disputes". Since the  
merits of the instant claim have not been discussed on the property, the claim has  
not been handled in accordance with Section 3 First (i) of the Railway Labor Act  
and therefore it must be dismissed.

**FINDINGS:**

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

The carrier and the 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.

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

The parties to said dispute were granted the privilege of appearing before the Division, with the Referee sitting as a member thereof, to present oral argument.

**A W A R D**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
by Order of the Fourth Division

**ATTEST: Executive Secretary**  
**National Railroad Adjustment**  
**Board**

By   
Assistant Executive Secretary

Dated at Chicago, Illinois, this 3rd Day of January 1974