

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
FOURTH DIVISION

Award No. 3101
Docket No. 3056

Referee Robert M. O'Brien

PARTIES TO DISPUTE: Robert Vivona
The Long Island Railroad Company

STATEMENT
OF CLAIM:

For Reinstatement as Police Sergeant with the Long Island Railroad Police Department of the Long Island Rail Road at Jamaica, New York pursuant to the Collective Bargaining Agreement and Title 45 of the United States Code.

OPINION
OF BOARD:

Claimant, a former Police Sergeant with the Long Island Railroad Police Department, is before this Board requesting that he be reinstated to his former position with the Carrier. However, the record reveals that neither claimant, his Attorney, nor any person or Organization has filed a claim with the Carrier alleging that Carrier has violated rights accruing to claimant under the applicable Collective Bargaining Agreement.

It thus becomes readily apparent that the claim has not been filed and progressed in the usual manner on the property as is required by Section 3, First (i) of the Railway Labor Act. Finding that this claim has not been progressed on the property in the usual and customary manner, we must dismiss the claim without reaching the merits thereof for failure to comply with the requirements of the Railway Labor Act.

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.

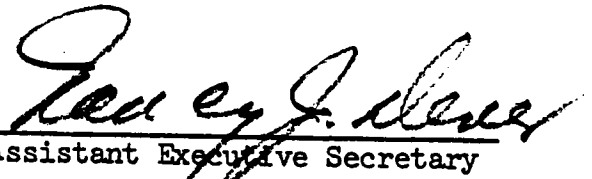
The parties to said dispute were granted the privilege of appearing before the Division, with the Referee sitting as a member thereof, to present oral argument.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

ATTEST: Executive Secretary
National Railroad Adjustment Board

By: 
Assistant Executive Secretary

Dated at Chicago, Illinois, this 9th day of October 1974.