

NATIONAL RAILROAD ADJUSTMENT BOARD  
FOURTH DIVISION

Referee Rodney E. Dennis

Award Number 3784  
Docket Number 3768

PARTIES Donald L. Crittenden  
TO  
DISPUTE: Chicago, Milwaukee, St. Paul and Pacific Railroad Company

STATEMENT OF CLAIM: Claimant is asking for coordination allowance in the amount of \$940.80 per month (\$11,289.60 per year) for five (5) years under the provisions of the Washington Agreement as well as discriminatory practice. Also any other agreement which may be applicable, including New York Dock Agreement.

OPINION OF BOARD: Claimant, D. L. Crittenden, held the position of assistant district manager of sales with carrier in Milwaukee, Wisconsin, when the job was abolished on January 31, 1979.

On July 6, 1979, he filed a claim with W. L. Smith, president of the Milwaukee Road. In this claim, he alleged that he was protected under the Washington Job Protection Agreement and that, consequently, carrier was obligated to compensate him for the loss of his employment in accordance with the terms of that agreement. He based this claim on the fact that the Milwaukee Road and the Burlington Northern were involved in merger discussions and that the abolishment of his job occurred in anticipation of this merger coming to fruition.

Carrier, in a letter dated November 30, 1979, denied the allegation and refused to honor the claim. Subsequent to receiving this letter, claimant pressed his claim to this board. Claimant appeared on the Fourth Division of the Railroad Adjustment Board, on August 12, 1980, to present his case orally.

Claimant was afforded a full and fair opportunity to explain the basis for his claim. At the conclusion of his presentation, the board thoroughly discussed the record of the case and concluded that the instant claim is barred from consideration by it on the merits. The board reached this decision because claimant had not handled his case on the property in the proper manner.

Claimant failed to file his claim with the proper carrier office (instead, he wrote a letter to the president of the railroad) and he did not request or insist on holding a conference with carrier representatives to discuss the denial of his claim prior to presenting his claim to this board.

It is a well-established principle in all divisions of this board that when claims are not properly handled on the property and accepted procedures are not followed, this board will not assume jurisdiction. The instant case should have been discussed thoroughly on the property prior to being submitted to this board for consideration.

In keeping with a long line of awards in all divisions of this board, we are compelled to dismiss this claim on procedural grounds,

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 waived right of appearance at hearing, but were granted privilege of appearing before the Division with 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 7th day of October 1980.