

NATIONAL RAILROAD ADJUSTMENT BOARD
FOURTH DIVISION

Referee Robert W. McAllister

Award Number 4074
Docket Number 4114

PARTIES Michael B. Crawford
TO
DISPUTE: Missouri Pacific Railroad Company

STATEMENT OF CLAIM: I, Michael B. Crawford be reinstated with benefits, opportunity for advancement and growth and future training as other officers on the Missouri Pacific Railroad; full reimbursement for lost wages, of the acts of certain officers, through discrimination and total missuse of their authority. August 3, 1982 up to the date of reinstatement, plus pay raises adjusted for inflationary factors, and salary increases due because of meritorious services.

An immediate transfer upon reinstatement to the Traffic Department or the Accounting Department, due to the lack of credibility, the officers on the Red River division have demonstrated, an possibly because if working under their areas of responsibility I could expect the same unscrupulous behavior again the near future upon arrival.

An immediate notice from the Missouri Pacific Railroad verifying that the action(s) taken by certain officers was without cause or without justification and that actions will be taken to prevent this type of behavior in the future.

OPINION OF BOARD: This case involves a Claimant who was initially hired by the Carrier on January 7, 1980, as a management trainee in the Engineering Department. According to the Carrier, the Claimant's progress as a trainee proved to be unsatisfactory, and he was relieved of his duties on August 3, 1982. On August 4, 1982, the Claimant tendered his resignation, which was acknowledged by letter dated August 6, 1982.

The Carrier asserts that no dispute exists over which this Board has jurisdiction because of the following:

1. The Claimant resigned from the service.
2. The claim has not been handled and progressed on the property as required by the Railway Labor Act.

This Board agrees with the Carrier. The record clearly establishes the Claimant tendered a written resignation after being relieved of his duties. Secondly, the Carrier's first knowledge of the complaint occurred when it received a copy of the Notice of Intent addressed to this Board. Thus, the claim is barred.

FINDINGS:

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

The Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 waived right of appearance at hearing thereon.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Fourth Division

ATTEST:


Nancy J. Dever
Executive Secretary

Dated at Chicago, Illinois, this 15th day of December 1983.