

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 6941
Docket No. 6723-I
2-PC-I-'75

The Second Division consisted of the regular members and in addition Referee David P. Twomey when award was rendered.

Parties to Dispute: (Bernard F. Kelly
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(Penn Central Transportation Company
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Dispute: Claim of Employees:

Petitioner, an employee of the Penn Central and its predecessor companies, New Haven Railroad, for the past twenty-seven years, respectfully requests the Second Division to direct the employer-carrier to pay the said employee, Bernard Kelly, the severance pay due him under the merger and collective bargaining agreements.

Findings:

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

The carrier or carriers and the employee or employees 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.

Parties to said dispute waived right of appearance at hearing thereon.

We must dismiss the claim. The claim was not progressed on the property up to and including the Carrier's final appeal officer, as made mandatory by the Agreement of the parties, and by Section 3, First (i) of the Railway Labor Act. Also, this Board has no jurisdiction to resolve a claim for severance allowance based upon an alleged violation of the Merger Protective Agreement, since that Agreement provides for an Arbitration Committee to resolve disputes arising under it. See Third Division Awards 20289, 19954, 19950, 17589, 16869 and others.

A W A R D

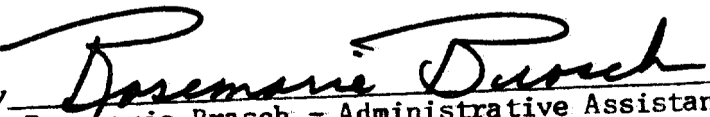
Claim dismissed.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of September, 1975.