

The Second Division consisted of the regular members and in addition Referee Robert M. O'Brien when award was rendered.

Parties to Dispute: { Charles Edward Sanders, Petitioner  
{  
{ Penn Central Transportation Company

Dispute: Claim of Employes:

Wrongful disqualification as machinist at 59th Street Engine House and Inspection Pit after being fully qualified at 16th Street Diesel Shop for a period dating back to the year 1968.

Findings:

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

The carrier or carriers and the employe or 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.

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

On Friday, November 24, 1972, Claimant exercised his seniority rights to a machinist position at Carrier's 59th Street Enginehouse. He was advised on December 4, 1972 that because he failed to satisfactorily perform the duties of this position, he was disqualified as a machinist at the 59th Street Enginehouse in accordance with Rule 2-A-3 of the applicable agreement. It is claimant's contention that this disqualification was not proper and he wants any notation relative thereto removed from his service record.

We are unable to reach the merits of the instant claim inasmuch as the claim was not handled in accordance with the provisions of Section 3, First (i) of the Railway Labor Act. Section 3, First (i) 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 this dispute was not handled with the Director-Labor Relations, the highest officer designated by the Carrier to handle disputes, the requirements of Section 3, First (i) have not been met and we are constrained to dismiss the claim as a result.

Form 1  
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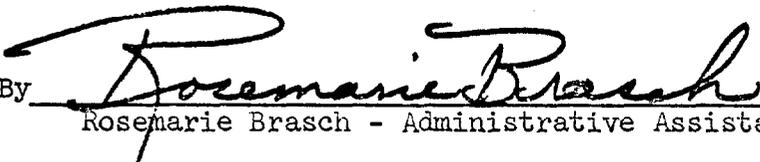
Award No. 6874  
Docket No. 6612-I  
2-PCT-I-'75

A W A R D

Claim dismissed.

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 3rd day of June, 1975.