

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

Parties to Dispute: { Samuel A. Plank, Petitioner
{
{ Penn Central Transportation Company

Dispute: Claim of Employees:

The claimant, Samuel A. Plank, a Penn Central electrician and I.B.E.W. member, charges management with violation of an applicable agreement denying him the right to exercise his seniority to "bump" a job of his preference upon returning to work from sick leave. He further charges that certain officers of I.B.E.W. System Council Number 7; (James Pike, Assistant Council President retired and now deceased; James McAteer, former District Chairman and now General Chairman; Mr. R. Homick, former General Chairman and Kenneth L. Mundis, Local Chairman of Local Number 2269 of I.B.E.W.) subverted the original grievance.

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.

Review of the record in this docket clearly shows that the claim Petitioner is attempting to assert before this Board was not handled on the property of the Carrier in accordance with the provisions of the applicable collective bargaining agreement and as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, the claim is barred from consideration by the Division and will be dismissed.

A W A R D

Claim dismissed.

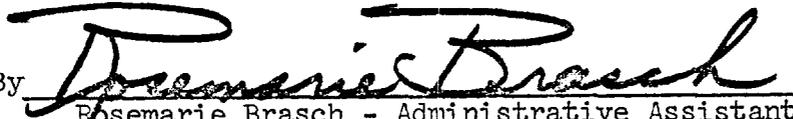
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Award No. 7026
Docket No. 6923-I
2-PCT-I-'76

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 March, 1976.