

 Award No. 16732

Docket No. MS-17453

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David H. Brown, Referee

PARTIES TO DISPUTE:

JOSEPH W. ZIDJUNAS

**NEW YORK CENTRAL RAILROAD COMPANY
(Western District)**

STATEMENT OF CLAIM:

PARTIES INVOLVED IN DISPUTE:

New York Central System at Collinwood, Ohio, and former employe Joseph W. Zidjunas.

QUESTION INVOLVED IN DISPUTE:

Whether New York Central System can arbitrarily terminate under questionable circumstances employe's service and subsequently refuse to recognize claim of three week earned vacation rights due to qualifying service having been performed on position excepted from rules of Brotherhood of Railway Clerks' agreement.

Original claim was processed on January 7th, 1963, which was denied. Subsequent claims to appeals officers were also denied with final appeal being denied on July 5, 1967, by Mr. C. L. Stalder, Assistant General Manager, Employee Relations, Cleveland, Ohio, who is final appeals officer for handling disputes.

OPINION OF BOARD: The record in this case shows conclusively that the claim submitted to the Division was never handled on the property in accordance with the provisions of Section 3, First (i) of the Railway Labor Act, and Circular No. 1 of the National Railroad Adjustment Board. We have no alternative other than dismiss the claim.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION**

**ATTEST: S. H. Schulty
Executive Secretary**

Dated at Chicago, Illinois, this 31st day of October 1968.