

Award No. 18133
Docket No. MS-18592

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

David Dolnick, Referee

PARTIES TO DISPUTE:

MR. STEPHEN J. HENRY

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: Whether Mr. Stephen J. Henry of 70-2nd St., Brooklyn, New York 11231, should not be reinstated to his position as foreman with the Penn Central Company from which he was discharged on or about February 12, 1969, without a fair and impartial trial, with no assistance from BRAC during or after his hearing in absentia, as required by the Federal Statutes.

OPINION OF BOARD: This Board is without jurisdiction to decide any dispute between an employee and his Organization.

The record shows that the claim against the Carrier was not handled on the property in accordance with 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. The claim against the Carrier is therefore barred from consideration by the Division and will be dismissed.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 between the Employee and the Carrier; and

That the claim against the Carrier is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of September 1970.

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