



Award No. 18340

Docket No. MS-18680

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Paul C. Dugan, Referee

PARTIES TO DISPUTE:

J. J. MILESKY

PENN CENTRAL TRANSPORTATION COMPANY

STATEMENT OF CLAIM: I am making an ex parte submission to the Adjustment Board concerning the validity of certain labor agreements in effect between the Penn Central Railroad and the Brotherhood of Railway, Airline and Steamship Clerks.

Whereas, the Penn Central Railroad is permitted to repeatedly violate certain rules, and the Brotherhood of Railway, Airline and Steamship Clerks condones these repeated violations, I am filing these charges toward both the Penn Central Railroad and the Brotherhood of Railway, Airline and Steamship Clerks.

Unless the National Railroad Adjustment Board can, to my satisfaction, resolve these charges, I shall file suit, in the United States District Court, against the Penn Central Railroad and the Brotherhood of Railway, Airline and Steamship Clerks for all salaries, wages, retirement benefits, severance pay and punitive damages which I believe are legally due to me.

OPINION OF BOARD: It is clear from the record that the claim the 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.

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; and

That the claim 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 17th day of December 1970.