



Award No. 18542

Docket No. MS-19068

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

**PARTIES TO DISPUTE:**

**WILLIAM H. JONES**

**PENN CENTRAL TRANSPORTATION COMPANY**

**STATEMENT OF CLAIM:** The undersigned, William H. Jones, states that he intends to file an Ex Parte Submission within thirty (30) days from the date hereof.

The undersigned will seek reinstatement to his position as track foreman with respondent Penn-Central Railroad Company.

**QUESTION INVOLVED**—Review of action by Carrier in discharging petitioner in all capacities, pursuant to order of the Pennsylvania Railroad Company dated the 17th day of March, 1969, subsequent to hearing by the carrier on the 26th day of February, 1969.

**BRIEF DESCRIPTION OF DISPUTE**—Carrier charged petitioner with mishandling of credit card in the purchase of gasoline while acting in his capacity as track supervisor; and carrier charged petitioner with being absent without permission on seven (7) occasions during 1968 and 1969.

**OPINION OF BOARD:** The record in this case reveals that Claimant was given a hearing on February 26, 1969 and as a result of said hearing was dismissed from service effective March 17, 1969.

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.

**FINDINGS:** That 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 Employee involved in this dispute are respectively Carrier and Employee 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: E. A. Killeen  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of April 1971.