NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 19950
THIRD DIVISION Docket Number MS-20015

Frederick R. Blackwell, Referee

PARTIES TO DISPUTE: (H. G. Skidmore
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(George P. Baker, Richard C. Bond, Jervis Langdon, Jr,,
(and Willard Wirtz, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission 30 days from date of this notice covering an unadjusted dispute between myself and the Penn Central Transportation Company involving the question:

Has the Carrier:

(a) ignored the rules and regulations relative to the pass rights and privileges of my employment;

(b) violated the Rules Agreement, effective February 1, 1968;

(c) abrogated the Employees Pre Merger Protective Agreement of 1964 thereby breaching Section 5 (2) (f) of the Interstate Commerce Act, and;

(d) violated the Railway Labor Act?

OPINION OF BOARD: Claimant contends that Carrier made changes in its pass policy, effective January 1, 1972, which wrongfully deprived him of his pass rights and privileges in respect to the former commuter lines of the New Haven division. It is specifically alleged that Carrier violated the agreement, the 1964 Merger Protective Agreement, and the Railway Labor Act. Carrier's defense, inter alia, is that the changed policy did not substantively affect claimant's travel privileges, but merely required him to travel on a trip by trip basis rather than by means of an annual pass which he previously held. Carrier also asserts that the 1964 Protective Agreement could not cover this situation in any event, because it is not disputed that the claimant, a former New York Central employee, did not acquire any New Haven pass privileges until 1969.

The claimant's ex parte submission is highly generalized and vague, and also fails to request any specific relief. We have nonetheless carefully examined all of his allegations and arguments. However, in the record before us, we have not found any agreement support for the claim and we must conclude that the claimant has not made a prima facie case for his contentions. Accordingly, we shall dismiss parts (a) and (b) of the claim for lack of agreement support.

Parts (c) and (d) of the claim, alleging violation of the 1964 Protection Agreement and the Railway Labor Act, will be dismissed for lack of Board jurisdiction. While it is doubtful that claimant's situation comes under the 1964 Protection Agreement, it suffices here to say that such Agreement provides a special Arbitration Committee for disputes thereunder and that this Board has ruled in prior Awards that it will not inject itself into such disputes. See Award So. 19954. Also, while this Board is empowered to act in disputes coming under the Railway Labor Act, we have no power to enforce that Act or to dispense sanctions for violations thereof.

For the reasons indicated we shall 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 Employes involved in this dispute are respectively Carrier and Employes 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

The claim is dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A.W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 28th day of September 1973.