

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **20317**
Docket Number MS-20224

Dana E. Eischea, Referee

PARTIES TO DISPUTE: (Dale W. Vodenichar
(George P. **Baker**, Richard C. Bond, and **Jervis**
(**Langdon**, Jr., 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 on (30 days from this date) covering **an** unadjusted dispute between **me** and the Penn Central Railroad, involving the question:

Under the merger protection agreement, am I a protected employee for services rendered between **September 11**, 1968 and December 31, 1972?

OPINION OF BOARD: Consideration of this record shows that Claimant is here asserting a claim previously handled to some extent on the property but never progressed in the usual manner up to and including the chief operating officer of the Carrier **designated** to handle such disputes. Such **ommission** violates procedural prerequisites to involving our **jurisdiction, as** set forth in Section 3 First **(i)** of the Railway Labor Act, as amended.

In these circumstances, the claim is barred from consideration upon the merits and must 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 from consideration upon the merits.

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Claim dismissed.

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By Order of Third Division

ATTEST: *A. W. Paulis*
Executive Secretary

Dated at **Chicago, Illinois**, this **12th** day of July 1974.