

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20737  
Docket Number MS-20663

Robert A. **Franden**, Referee

PARTIES TO DISPUTE: (Moses **Ruffin**, Ind. & on behalf of others  
( similarly situated  
( George P. Baker, Robert W. Blanchette, and Richard  
( C. Bond, 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 January 15, 1974 covering an unjusted dispute between my clients, Moses **Ruffin**, Individually and on behalf of others similarly situated, and The Penn Central Transportation Company, involving the question:

Where a Brotherhood **serves** notice under Section 6 of the Railway Labor Act that it desires to change an existing agreement with the carrier, and in the midst of negotiations for a new agreement the carrier **terminates** the existing agreement, **are** not the employees entitled to earnings lost as a result of the carrier's unilateral abrogation of the existing agreement?

OPINION OF BOARD: The record is clear the claim the Petitioner is attempting to assert before the Board has not been handled on the property in accordance with **Rule** 7-B-1, of the Agreement of May 1, 1942, nor the requirements of Section 3 First **(i)** of the Railway Labor Act or Circular 1 of the National Railroad Adjustment Board. In addition, no conference was ever held on this property prior to submission of the dispute to this Board in conformity **with** Section 2 First, Second and Sixth of the Railway Labor Act and Section 3 First **(i)**, and for that reason also, the Board lacks jurisdiction and we must 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 **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD **ADJUSTMENT BOARD**  
By Order of Third Division

ATTEST: *A. W. Pauler*  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of **May** 1975.