

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20752  
Docket Number MS-20733

Irwin M. **Lieberman**, Referee

PARTIES TO DISPUTE: ( **R. H. Nicgorski**  
(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 under the "**Regional**  
Rail Reorganization Act of 1973" Public law 93-236 Sec.  
507. of intention to file an **ex** parte submission, 30 days from date of this  
notice, covering an unadjusted dispute between myself and the Penn Central  
Railroad, involving the question:

**PL93-236** Sec. 505 Employee protection (a) **(b) (1)** and sections  
thereof. **Also, Carrier** violated rules agreement Eff. Feb. 1, 1968. Particu-  
larly the appendix (A) of May 1936 Washington D. C. refer my claim of Jan.  
28, 1974 and denial of claim Jan. 29, 1974 by **Trainmaster** E. D. Wyatt at  
Conway, Pa. concerning displacement allowance and position placed under of  
my letter of No. 6, 1973 to Supt. D. A. Snyder, Terminal Conway, Pa. I  
content working as a yardmaster I was forced to resign and exercise senior-  
ity. I was placed in a worse position and I am denied my displacement  
allowance as in accordance with the above stated agreements.

OPINION OF BOARD: A review of the record in this case indicates that  
the Claim herein was filed with the **Board** prior to any  
discussion of the Claim with the Superintendent-Labor Relations. In addi-  
tion, no appeal was taken from the Superintendent-Labor Relations denial  
of the Claim and further steps provided in Rule 7-B-1 and discussion with  
Carrier's highest officer were omitted. Section 3, First **(i)** of the Bail-  
way Labor Act, as amended, provides in part that disputes "**....shall** be  
handled in the usual manner up to and including the chief operating  
officer of the carrier designated to handle such disputes." Since Claim-  
ant has not met the requirements outlined above 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;

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

That the Claim is barred.

A W A R D

Claim dismissed.

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

ATTEST:

*A.W. Pauls*  
Executive Secretary

Dated at Chicago, Illinois, this 20th day of June 1975.