

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRDDIVISION

Award Number 21271  
Docket Number CL-20915

Francis X. Quinn, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Railway, Airline and Steamship Clerks,  
( Freight Handlers, Express and Station **Employees**  
( Robert W. **Blanchette**, Richard C. **Bond** and John H.  
( **McArthur, Trustees of the Property of Penn Central**  
( Transportation Company, **Debtor**

**STATEMENT OF CLAIM:** **Claim of the System Committee of the Brotherhood (GL-7711)** that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 7-A-1, when the Director-Labor Relations denied the request for a hearing under the provisions of said rule.

(b) **Claimant** E. P. Dyson now be awarded appropriate reparations because of the Carrier's denial of the **Claimant's** due process afforded **him** by Rule 7-A-1.

**OPINION OF BOARD:** A review of the **Agreement** between the parties indicates that the subject of sick leave allowances is covered by Rule 4-1-1. **Sick leave allowance is not a subject "otherwise than covered by these rules."** Accordingly, we find that the Carrier properly rejected the request for a hearing on appeal under Rule 7-A-1. The lack of **merit** in the present claim is further reflected in the fact that the **Employees** could have progressed the issue of **Claimant's entitlement** to a sick leave allowance for April 27, 1973, under the proper **rules** of the Agreement. They did not process **such a** claim. Therefore we will deny **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;

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

That the Agreement was not violated.

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Claim<sup>.</sup>denied.

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By Order of Third Division

ATTEST: A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 15th day of October 1976.