

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **22450**
Docket Number MS-22452

Robert A. **Franden**, Referee

(**Herman** Campbell

PARTIES TO DISPUTE: (
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "**This** is to serve notice, as required by the National Railroad Adjustment Board, of **my** intention **to file** and **ex parte** submission on January 20, 1978, **covering** an unadjusted dispute between myself and Conrail, involving the **following**:

I was given 4 weeks vacation last year, which I felt I was entitled to. Now, Conrail states I was only entitled to 2 weeks vacation. They have already taken 1 week's wages and intend to take 1 more week of **my** wages for the 2 weeks vacation **that** Conrail claims I did not have **coming** to me. If I did not have the weeks vacation coming, why were they given to me? I received 3 weeks vacation since 1971 **from** the **Erie-Lackawanna**. I feel that my 2 weeks wages should be returned to **me**. Also, that I am entitled to 3 weeks vacation since I have 10 qualifying years, but, they are not consecutive, Rule 33, Appendix No. **2.**, etc.

I would like the traveling expense returned to the carpenter gang, **which** were **Erie-Lackawanna** employees. **This has been taken from us.** We **have** our headquarters in camp cars. We are now 75 miles away from home, but have been 92 miles away from home earlier last year. Rule 34E of the **Erie-Lackawanna** agreement states we will have our traveling expenses paid if the railroad does not furnish us with transportation."

OPINION OF BOARD: Review of **the** record **in** this case clearly shows that claim Petitioner is attempting to assert before this Board was not handled **on** the property of the Carrier in **accordance with** the provisions of the **applicable collective bargaining** Agreement and as required by Section 3. First (**i**) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. Therefore, 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;

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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

That Claim is barred.

A W A R D

Claim dismissed.

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

ATTEST: *A. W. Pauls*
Recutive Secretary

Dated at Chicago, Illinois, this **13th** day of **July 1979**.