

The Third Division consisted of the regular members and in addition Referee James E. Mason when award was rendered.

PARTIES TO DISPUTE: (Frank R. Falcone  
(  
(New Jersey Transit Rail Operation, Inc.

STATEMENT OF CLAIM:

"My claim is that I have been improperly represented by the Brotherhood of Railroad Signalmen's Union. Roland McKenzie who is the General Chairman of the B.R.S. deceived me by telling me that he represented me when in fact he didn't, and later when he finally had to represent me, he put little or no effort into my claim.

My claim is that on Aug. 2, 1989, while not yet 60 years old, I left New Jersey Transit Railroad and went to the U.S. Railroad Retirement Board in Newark, N.J. and requested my pension. I did this because I let my emotions get the best of me because of the way N.J. Transit was running the railroad. At this time, I didn't sign any letter of resignation nor did I waive my seniority."

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

From a review of the record in this case, it is clear that there is no proper matter before this Board which the Board has jurisdiction or authority to resolve. Disputes between an employee and his Representative organization do not come within the purview of the meaning and intent of Section 153 First (1) of the Railway Labor Act, as amended. In addition, there is no indication in the record that any rule of the Agreement has allegedly been violated by Carrier. By Claimant's own admission, his actions of "walking of job" (sic) and requesting his pension from the U.S. Railroad Retirement Board were taken of his own free will and volition. There simply is no dispute in this case file for our Board to resolve. Therefore, this dispute is dismissed.

Form 1  
Page 2

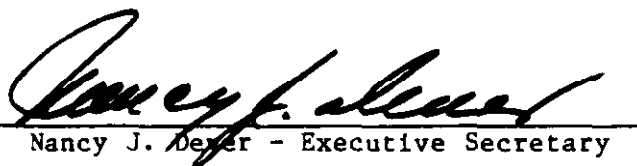
Award No. 29211  
Docket No. MS-29607  
92-3-91-3-54

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 7th day of May 1992.