



Award No. 18350
Docket No. MS-18753

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John H. Dorsey, Referee

PARTIES TO DISPUTE:

WILLIAM F. LUTZ

**PENN CENTRAL TRANSPORTATION COMPANY
(Northeastern Region)**

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 this date covering an unadjusted dispute between me and the Penn Central Company involving the question:

QUESTION INVOLVED:

Displacement as Ticket Agent at New Rochelle, New York

PARTIES TO DISPUTE:

Mr. N. P. Patterson, Director Labor Relations and Personnel, Penn Central Company, Philadelphia, Pa.

Mr. William F. Lutz, Ticket Agent, New Rochelle, N. Y.

STATEMENT OF CLAIM:

Improper procedure used in filling position of Ticket and Freight Agent at New Rochelle, N. Y.

OPINION OF BOARD: The record is clear that the claim the Petitioner is attempting to assert before the 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. The claim is, therefore, 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;

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

That the Claim will be dismissed.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 17th day of December 1970.