

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19294
Docket Number MS-19679

PARTIES TO DISPUTE: (Carroll F. Arnold, Jr.
(Penn Central Transportation Company

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 in January 12, 1972 covering an unadjusted dispute between me and the Penn Central Transportation Company involving the question.

An Advertisement, No. 1286 dated May 13, 1971, the Supervisor Communications and Signals, Chesapeake Division Baltimore, Maryland advertised a temporary position, Foreman MSF1-1, headquarters--Wilmington, Delaware.

On June 21, 1971 this position was awarded to a junior employee.

This award was protested on June 3, 1971 and September 20, 1971 to the Superintendent Labor Relations and Personnel, Eastern region, Penn Central Transportation Company. Both protests were denied.

OPINION OF BOARD: Review of the record in this docket clearly shows that the 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 (1) 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 Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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 is barred.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST:

E. A. Killen
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1972.