

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19454
Docket Number MS-19575

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (H. G. Skidmore
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(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: This is to serve notice, as required by the rules of the National Railroad Adjustment Board, of our intention to file an ex parte submission On the 28th day of August, 1971 covering an unadjusted dispute between employees in the Sales & Service Section Ticket Office, Reservation & Information Bureau at Pennsylvania Station, New York, New York and our employer the Penn Central Transportation Company involving the question:

We claim that due to certain actions by our employer, the Penn Central Transportation Company, relative to free transportation we have been unjustly treated, the Agreement between the Pennsylvania - New York Central Transportation Company and the Clerical, Other Office, Station and Storehouse Employees has been abridged and the Employees Pre-Merger Protective Agreement contract has been abrogated.

We are also of the opinion, in spite of their remoteness, but, because of the broad scope and seriousness of our charges, that the Penn Central Company the parent concern, and the National Railroad Passenger Corporation should be made parties to this action because of their relevant responsibilities.

OPINION OF BOARD: 1. The issue of "just compensation for any loss or hardship" is dismissed as no claim covering this matter progressed on the property.

2. Allegations in the dispute as to the application of the Merger Protective Agreement or the February 7, 1965 Agreement not properly before this Board and are dismissed.

3. The Amtrak pass issue is moot account pre-empted by Federal Law enacted by the Congress of the United States. Claim 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 the Claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

E. A. Kellen
Executive Secretary

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