

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19455
Docket Number MS-19578

Joseph E. Cole, Referee

PARTIES TO DISPUTE: (Dave J. Grotsky
(
(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 my intention to file an ex parte submission on August 6, 1971, covering an unadjusted dispute between me and the Penn Central Company involving the question:

1) Whether the Penn Central Transportation Company abridged rights guaranteed to me by Rules 6-A-1 and 7-A-1 of the Clerical Rules Agreement, effective February 1, 1968, by preparing and causing me to sign a resignation under extreme duress and harassment and threats of criminal prosecution for charges never made known to me and by denying me all appellate rights guaranteed to me by said agreement, and after the elapse of more than two years by granting me a hearing under Rule 7-A-1 and not rendering a decision as required by said Rule.

2) Whether I should be reinstated in my employment with Penn Central Transportation and be compensated for every day held out of service by the above harassment, duress and threats since December 18, 1968.

OPINION OF BOARD: 1 - Careful consideration of the record discloses that claimant's resignation was voluntary and not given under duress and harassment.

2 - It follows, therefore, that the carrier could not possibly have violated Rules 6-A-1 and 7-A-1 of the schedule agreement as alleged in the claim.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 Agreement was not violated.

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Claim denied.

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By Order of Third Division

ATTEST: *E. A. Killian*
Executive Secretary

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