

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19728
Docket Number MS-19744

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Edward Rasch
(George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and
(Willard Wirtz, Trustees of the Property of
(Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: This is to serve notice, as requested by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on (30 days from the date of this notice) covering an unadjusted dispute between me and the Penn Central Railroad, involving the question:

I, the undersigned, Edward Rasch, claim whatever retroactive, payment-amount due, during my employment as a Tallyman with the Penn Central Railroad, from July 1944 to August 1948.

I was stationed at Pier 52, West 12th St., New York City and my job was abolished and terminated by the company, for no reason.

This claim is being submitted in compliance with the Railway Labor Act of June 21, 1934 and a copy furnished to Mr. Moore, President of Penn Central Railroad, 2 Penn Plaza, Philadelphia, Pa., and postal, registered-receipt attached herewith.

If circumstances require, I am willing to appear for an oral hearing.

OPINION OF BOARD: The claim herein is based on an occurrence alleged to have transpired about twenty-five years ago and there is no evidence that this claim was presented or handled on the property at any time. The claim, therefore, was not handled on the property in accordance with the provisions of the applicable collective bargaining agreement or as required by Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board. For this reason the claim is barred from consideration by this Board and must be dismissed.

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;

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

That the Claim is barred.

A W A R D

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 April 1973.