

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19926  
Docket Number MS-20032

Irwin M. Lieberman, Referee

(H. G. Skidmore

PARTIES TO DISPUTE: (

(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 required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission thirty (30) days from date of this notice covering an unadjusted dispute between myself, the Penn Central Transportation Company and the National Railroad Passenger Corporation involving the questions:

Has the Penn Central Transportation Company  
" " National Railroad Passenger Corporation

- (a) infringed the rights and rules, privileges and fringe benefits of my employment;
- (b) ignored the Rules Agreement, effective February 1, 1968;
- (c) violated Section 5(2)(f) of the Interstate Commerce Act;
- (d) abrogated the Employees Pre-Merger Protective Agreement;
- (e) violated the Railway Labor Act;
- (f) violated the legislation enacted in Public Law 91-518;

by their acts prior to and during the processing of this grievance?

OPINION OF BOARD: The dispute in this matter was derived from the placing of restrictions on employee pass privileges for transportation on certain Amtrak trains. Carrier set forth the restrictions in a notice to its employees dated June 6, 1972 following instructions received from the National Railroad Passenger Corporation.

Claimant alleged violations of various Federal Statutes as well as a violation of the Merger Protective Agreement in his Claim. This Board is not empowered to interpret or enforce Federal Laws; its jurisdiction is limited to disputes coming under the Railway Labor Act. Under the Merger Protective Agreement, in Section 1(e) disputes involving the interpretation of that Agreement are to be handled by a special Arbitration Committee. This Board has ruled in a number of Awards that it will not inject itself into such disputes which are specifically reserved to the Arbitration Committee (see for example Awards 19554, 17589 and 17594).

In a recent case, Award 19454, we dealt with the identical issue in this claim involving the same parties (a different Claimant). In dismissing that Claim we found that the Amtrak pass issue is moot since it was pre-empted by Federal Statute. We find no fault with our earlier reasoning.

Award Number 19926  
Docket Number MS-20032

Page 2

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 no jurisdiction over the dispute involved herein.

A W A R D

That the Claim be dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 7th day of September 1973.

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 19926  
Docket Number MS-20032

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (H. G. Skidmore  
(  
(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 required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission thirty (30) days from date of this notice covering an unadjusted dispute between myself, the Penn Central Transportation Company and the National Railroad Passenger Corporation involving the questions:

Has the Penn Central Transportation Company  
" " National Railroad Passenger Corporation

- (a) infringed the rights and rules, privileges and fringe benefits of my employment;
- (b) ignored the Rules Agreement, effective February 1, 1968;
- (c) violated Section 5(2)(f) of the Interstate Commerce Act;
- (d) abrogated the Employees Pre-Merger Protective Agreement;
- (e) violated the Railway Labor Act;
- (f) violated the legislation enacted in Public Law 91-518;

by their acts prior to and during the processing of this grievance?

OPINION OF BOARD: The dispute in this matter was derived from the placing of restrictions on employee pass privileges for transportation on certain Amtrak trains. Carrier set forth the restrictions in a notice to its employees dated June 6, 1972 following instructions received from the National Railroad Passenger Corporation.

Claimant alleged violations of various Federal Statutes as well as a violation of the Merger Protective Agreement in his Claim. This Board is not empowered to interpret or enforce Federal Laws; its jurisdiction is limited to disputes coming under the Railway Labor Act. Under the Merger Protective Agreement, in Section 1(e) disputes involving the interpretation of that Agreement are to be handled by a special Arbitration Committee. This Board has ruled in a number of Awards that it will not inject itself into such disputes which are specifically reserved to the Arbitration Committee (see for example Awards 19554, 17589 and 17594).

In a recent case, Award 19454, we dealt with the identical issue in this claim involving the same parties (a different Claimant). In dismissing that Claim we found that the Amtrak pass issue is moot since it was pre-empted by Federal Statute. We find no fault with our earlier reasoning.

Award Number 19926  
Docket Number MS-20032

Page 2

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 no jurisdiction over the dispute involved herein.

A W A R D

That the Claim be dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: A. W. Paulos  
Executive Secretary

Dated at Chicago, Illinois, this 7th day of September 1973.