

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20029
Docket Number MS-19901

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Robert D. Nichols
(
(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: Why the Implementing Agreement to the Merger Job Protection Agreement is allowed to supersede the Merger Job Protection Agreement.

OPINION OF BOARD: There is no showing in the record of this case that a claim was presented and handled on the property in the manner mandated in Section 3, First (i) of the Railway Labor Act, as amended -- an indispensable statutory condition precedent to invoking the Board's jurisdiction. We, therefore, are enjoined from considering a direct petition.

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 the Board must dismiss the plea presented because of lack of jurisdiction.

A W A R D

The case as presented fails to meet the statutory requirements which are indispensable conditions precedent to a statutory right to invoke this Board's jurisdiction. Case DISMISSED for lack of jurisdiction.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 20th day of November 1973.