

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20315
Docket Number MS-20167

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Paul V. Lozito
(
(Penn Central Transportation Company

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 30 days from date of this notice) covering an unadjusted dispute between me and the Penn Central Railroad involving the question:

Under the Merger Protection Agreement, am I protected employee for services rendered Feb. 7, 1965 and Dec. 31, 1972?

OPINION OF BOARD: Claimant herein filed Notice to this Board of intention to file an ex parte Submission. A review of the record, however, reveals that Claimant did not handle the claim on the property in the usual manner up to and including the Chief Operating Officer designated to handle such disputes. This disregard for the provisions of the grievance machinery in the applicable Agreement and the requirements of Section 3 First (1) of the Railway Labor Act, as amended, constitute fatal defects in this claim. Accordingly, the matter is not properly before us for adjudication and must be 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;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee 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

The matter is not properly before us and must be dismissed.

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Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *G. W. Paulie*
Executive Secretary

Dated at Chicago, Illinois, this 12th day of July 1974.