

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20316  
Docket Number MS-20204

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Michael Stuban  
(  
(Penn Central Transportation Company

STATEMENT OF CLAIM: This is to server notice, as required by the rules of the National Railroad Adjustment Board, of my intention to file an ex parte submission on January 3, 1973, covering an unadjusted dispute between me and The Penn Central Transportation Company, involving the question:

Under the Merger Protection Agreement, am I a protected employee for services rendered between April 2, 1962 to present date?

OPINION OF BOARD: The claim herein presented was appealed directly to this Board from the decision of an intermediate level Carrier official, without recourse or regard to the manner of appropriate handling for such grievances set forth in the applicable Agreement. Section 3, First (i) of the Railway Labor Act, as amended, mandates handling such disputes in the usual manner on the property. Up to and including the chief operating officer of the Carrier designated to handle such disputes. Accordingly, the instant claim is not properly before us for consideration 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 Employes involved in this dispute are respectively Carrier and Employes 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 claim is not properly before us and must be dismissed.

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Page 2

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Claim dismissed.

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By Order of Third Division

ATTEST: A. W. Paulose  
Executive Secretary

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