

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20317  
Docket Number MS-20224

Dana E. Eischen, Referee

PARTIES TO DISPUTE: (Dale W. Vodenichar  
(  
(George P. Baker, Richard C. Bond, and Jervis  
( Langdon, Jr., 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 on (30 days from this date) covering an unadjusted dispute between me and the Penn Central Railroad, involving the question:

Under the merger protection agreement, am I a protected employee for services rendered between September 11, 1968 and December 31, 1972?

OPINION OF BOARD: Consideration of this record shows that Claimant is here asserting a claim previously handled to some extent on the property but never progressed in the usual manner up to and including the chief operating officer of the Carrier designated to handle such disputes. Such omission violates procedural prerequisites to involving our jurisdiction, as set forth in Section 3 First (i) of the Railway Labor Act, as amended.

In these circumstances, the claim is barred from consideration upon the merits 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 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 jurisdiction over the dispute involved herein; and

That the claim is barred from consideration upon the merits.

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Claim dismissed.

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By Order of Third Division

ATTEST: A. W. Paulos  
Executive Secretary

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