

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20572
Docket Number MS-20604

Irwin M. Lieberman, Referee

(Henderson Gines

PARTIES TO DISPUTE: (

(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 date of this notice) covering an unadjusted dispute between me and the Penn Central Transportation Company involving the question:

Southwestern Division Clerical Case No. S-11-67.

OPINION OF BOARD: The claim in this dispute involves vacation pay for 1965. The record indicates that this Claim had originally been progressed on the property by Claimant's Union in accordance with the Agreement; it was settled in April 1971, and was not progressed to this Board. The case before us appears to be a refile of the dispute which had been disposed of on the property, and it is evident that Claimant did not institute these proceedings within the time limits prescribed in the Agreement.

Section 3, First (i) of the Railway Labor Act and Circular No. 1 of the National Railroad Adjustment Board provide that disputes must be handled on the property in accordance with the provisions of the applicable collective bargaining Agreement. Since this Claim was not handled on the property in accordance with the procedures set forth in the Agreement, it is barred from consideration by this Board 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

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That the Claim is barred.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 30th day of December 1974.