

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20806
Docket Number MS-20589

Irwin M. Lieberman, Referee

PARTIES TO DISPUTE: (Anthony P. Wojcichoski
(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 October 29, 1973, covering an unadjusted dispute between me and the Penn Central Transportation Company involving the question:

Abuse and mistreatment by Penn Central Transportation Company and Penn Central police resulting in the loss of two years pay.

OPINION OF BOARD: The dispute herein alleges no agreement violation by the Carrier. In addition, it must be noted that Claimant did not avail himself of the procedure set forth in the applicable agreement, namely Articles 32 and 33, in any effort to resolve the dispute on the property. Section 3, First (1) of the Railway Labor Act, as amended, provides, in part, that disputes "...shall be handled in the usual manner up to and including the chief operating officer of the Carrier designated to handle such disputes; but failing to reach an adjustment in this manner, the appropriate division of the Adjustment Board..." Since Claimant has not met the requirements outlined above, we may not consider the merits and the case must be dismissed for lack of jurisdiction.

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. Pauls*
Executive Secretary

Dated at Chicago, Illinois, this 29th day of August 1975.