

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21271
Docket Number CL-20915

Francis X. Quinn, Referee

PARTIES TO DISPUTE:

{ Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees
{ Robert W. Blanchette, Richard C. Bond and John H.
McArthur, Trustees of the Property of Penn Central
{ Transportation Company, Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-7711) that:

(a) The Carrier violated the Rules Agreement, effective February 1, 1968, particularly Rule 7-A-1, when the Director-Labor Relations denied the request for a hearing under the provisions of said rule.

(b) Claimant E. P. Dyson now be awarded appropriate reparations because of the Carrier's denial of the Claimant's due process afforded him by Rule 7-A-1.

OPINION OF BOARD: A review of the Agreement between the parties indicates that the subject of sick leave allowances is covered by Rule 4-1-1. Sick leave allowance is not a subject "otherwise than covered by these rules." Accordingly, we find that the Carrier properly rejected the request for a hearing on appeal under Rule 7-A-1. The lack of merit in the present claim is further reflected in the fact that the Employees could have progressed the issue of Claimant's entitlement to a sick leave allowance for April 27, 1973, under the proper rules of the Agreement. They did not process such a claim. Therefore we will deny the claim.

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 Agreement was not violated.

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Claim denied.

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By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 15th day of October 1976.