

Referee Irwin M. Lieberman

PARTIES John B. Lindsay  
TO  
DISPUTE: Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees  
of the Property of Penn Central Transportation Company, Debtor

STATEMENT OF CLAIM: I was wrongfully discharged by the carrier ergo I am entitled to  
job reinstatement and equitable compensation for monies lost as a  
result of dismissal.

I am entitled to a valid explanation as to why I was dismissed.

I am entitled to those monies the carrier deducted from my pay  
and forwarded to a union.

I am entitled to the ten percent raise for wages paid in 1975.

I am entitled to all monies due thru leave/vacation pay.

OPINION OF BOARD: Claimant was terminated by Carrier during his probationary period  
based on disapproval of his employment application. He appeals  
from the termination as well as claiming certain payments allegedly  
due to him.

An examination of the record of this dispute reveals that the merits  
of the dispute were never discussed on the property by the parties. Additionally  
it is evident that the Claim was neither filed nor appealed on the property in  
accordance with Article 14 of the applicable Agreement. Specifically, no claim  
or grievance was ever submitted to Claimant's immediate supervisor; no appeal was  
ever properly listed with the Superintendent-Labor Relations; and no claim was  
ever handled with or discussed with the Director-Labor Relations, Carrier's highest  
designated Officer for this purpose.

Prior to this Board exercising jurisdiction over any dispute, it must  
be shown that the requirements of the Railway Labor Act have been complied with;  
Section 3, First (i) provides 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". Since this Claim has not been handled in the usual  
manner on the property we are precluded from considering the merits; the Claim  
must be dismissed.

FINDINGS:

The Fourth Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier and the employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute waived right of appearance at hearing thereon.

A W A R D

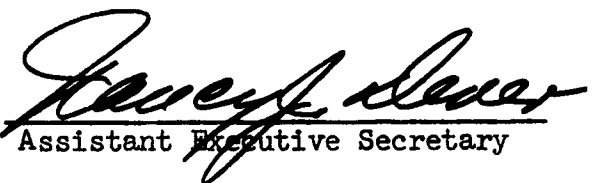
Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Fourth Division

ATTEST:

Executive Secretary  
National Railroad Adjustment Board

By

  
Assistant Executive Secretary

Dated at Chicago, Illinois, this 11th day of March 1976.