

NATIONAL RAILROAD ADJUSTMENT BOARD
FOURTH DIVISION

Award Number 3716
Docket Number 3680

Referee Robert A. Franden

PARTIES TO DISPUTE: Joseph F. Kearney
Consolidated Rail Corporation

STATEMENT OF CLAIM: Payment of monthly displacement allowance and relocation expenses, vacation pay, auto expense, and an unexplained deduction in the last check received for pay period 3-7-78.

OPINION OF BOARD: Claimant has submitted his claim asking for payment of certain expense and pay items and alleging that he was unjustly dismissed from his position as Trainmaster.

As to the Claimant's allegation that he was unjustly dismissed as a Trainmaster, we must refuse to hear the matter on the grounds that the issue does not involve a matter properly before the Fourth Division of the National Railroad Adjustment Board in that it does not involve the interpretation of a collective bargaining agreement.

Moreover, neither the claimant's dismissal nor his claim for payment have been handled on the property in the usual manner as required by Section 3, First (i) of the Railway Labor Act and are hence not properly before this Board.

We will dismiss the claim.

FINDINGS:

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

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

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

The parties to said dispute waived right of appearance at hearing, but were granted privilege of appearing before the Division with Referee sitting as a member thereof, to present oral argument.

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 20th day of February 1980