

Award No. 710
Docket No. MC-884-5
2-D&RGW-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

**ARTHUR O. PORTER—EMPLOYEE
(CARMAN HELPER)**

vs.

**THE DENVER & RIO GRANDE WESTERN RAILROAD
COMPANY**

DISPUTE: CLAIM OF EMPLOYEE: Employee claims back pay for 75 working days between December 18, 1940 and March 21, 1941, at \$4.76 per day, or a total amount of \$357.00. He also claims reinstatement on the seniority roster with his former seniority.

FACTS AND POSITION OF PARTIES: The petitioner is attempting to have his claim decided by this Division of the National Railroad Adjustment Board. The carrier contends that he has not handled his case on the property "in the usual manner" as prescribed in the agreement in effect.

OPINION OF THE DIVISION: In order that this Board may assume jurisdiction of a dispute on petition, it must appear that the dispute has been handled in the usual manner in negotiations with the carrier as provided by the statute; and that it is only in case there has been a failure to reach an adjustment in the manner so provided that this Board will review such proceedings. In the instant case, there was no compliance with the statute on the part of petitioner. The usual manner of negotiating with the carrier was not complied with. There was no failure to reach an adjustment "in the usual manner." Petitioner, having failed to pursue the required method of presenting his grievance, which in this case was that provided by the agreement between the carrier and the employees, this Board is without jurisdiction to pass upon petitioner's claim. See Gooch vs. Ogden Union Railway & Depot Company, Award No. 514.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

**ATTEST: J. L. Mindling
Secretary**

Dated at Chicago, Illinois, this 18th day of March, 1942.

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