

Award No. 715

Docket No. MC-685-6

2-SP(PL)-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

BENITO F. LIZARDI

vs.

SOUTHERN PACIFIC COMPANY (PACIFIC LINES)

DISPUTE: CLAIM OF EMPLOYEE: Reinstatement by Southern Pacific Company (Pacific Lines) of Benito F. Lizardi as machinist at Tucson, Arizona, and name of Benito F. Lizardi placed in machinists' seniority roster with seniority date of April 7, 1937.

FACTS AND POSITION OF PARTIES: Petitioner states he is entitled to certain seniority rights under the agreement after being furloughed from the Southern Pacific (Pacific Lines) at Tucson, Arizona. The carrier shows the matter of petitioner's seniority was settled in agreement between the parties signatory thereto May 22, 1939.

OPINION OF THE DIVISION: This Board has jurisdiction only in case the parties "fail to reach an adjustment." Here the parties did not fail to reach an adjustment; they decided on the proper status of the employe in question. The statute does not say the matter must be settled in a manner satisfactory to the individual.

The proper representatives of the employes conferred with the proper representatives of the carrier. They came to a decision and so far as any further proceeding under the statute is concerned that decision is final. This Board has no further jurisdiction to review it. See Arnold Hildebrand vs. Union Pacific Railroad Company Award No. 643.

AWARD

Claim dismissed.

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

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 25th day of March, 1942.

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