

Award No. 732
Docket No. MC-661-11
2-Wab-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

**LUTHER GORHAM, GEORGE WATTS, P. A. HARSTON,
GEORGE MAUPIN**

vs.

WABASH RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: We claim that we were wrongfully discharged by the company, and that while we were employed by the company that it did not pay us the rate of pay for the work we did, and that we are entitled to back pay during the time we were employed and so underpaid, and we claim that we are entitled to be reinstated in our former jobs with pay from date of our discharge to date of such reinstatement. This statement applies to all of the above named employes except George Watts, who claims everything stated except reinstatement to his former employment.

FACTS AND POSITION OF PARTIES: The petitioners are attempting to have their claim decided by this Division of the National Railroad Adjustment Board. The carrier contends that they have not handled their 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." Petitioners, having failed to pursue the required method of presenting their grievances, which in this case was that provided by the agreement between the carrier and the employes, this Board is without jurisdiction to pass upon petitioners' 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 31st day of March, 1942.