

Award No. 733

Docket No. MC-150-12

2-UP-I-42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

PETER DRONKERS, EMPLOYE

vs.

UNION PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYE: Claim of employe for adjustment of seniority rights which petitioner states were taken away by special agreement between organization and carrier representatives and that he be compensated for time lost.

FACTS AND POSITION OF PARTIES: The petitioner states that he was deprived of seniority rights. The carrier states the matter was handled in a proper manner with the duly authorized representatives of the employes as provided for in agreement dated November 1, 1934, and that petitioner's claim is a protest against action taken by the accredited representatives.

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 the record does not show that there was compliance with the statute on the part of the petitioner. It appears that petitioner failed to pursue the required method of presenting his grievance as provided by the agreement between the carrier and employes.

It further appears from the record in this case that the accredited representatives decided the seniority status of the employe in question. The statute does not say that the matter must be settled in a manner satisfactory to the individual.

In view of the foregoing this Board has no further jurisdiction to review or pass upon petitioner's claim. See Gooch vs. Ogden Union Railway & Depot Company, Award 514, also Arnold Hildebrand vs. Union Pacific Railroad Company, Award 643.

AWARD

Claim dismissed.

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

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

Dated at Chicago, Illinois, this 2nd day of April, 1942.

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