

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

G. H. FANNON—EMPLOYEE (CARMAN)

vs.

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEE: The employee claims that he was employed by the Southern Railway Company on December 31, 1917, and worked for said company until June 20 or 21, 1937, as a car inspector and repairman; that on or about June 16, 1937, when employee was off duty, he became intoxicated. On the next day he received word from the general foreman, E. C. Sizemore, not to report for work until he saw the foreman. Two or three days later, employee went to see the foreman, who thereupon reported to employee that he was discharged for being drunk. The question to be determined, and upon which an award is desired, is whether or not employee was entitled to be discharged for being intoxicated while off duty.

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 the petitioner has failed to comply with the schedule rules in the handling of this matter.

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 21st day of April, 1942.