

Award No. 769
Docket No. MC-665-35
2-SP&S-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

GEORGE DANIEL

vs.

**SPOKANE, PORTLAND AND SEATTLE RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYEE: George Daniel requests seniority rights be properly exercised with time lost compensation.

FACTS AND POSITION OF PARTIES: The petitioner is attempting to have his claim for seniority rights and loss of compensation decided by this Division of the National Railroad Adjustment Board.

Carrier states that this dispute was handled through the employees' representative organization in 1936 and then disposed of.

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 employee in question. The statute does not say the matter must be settled in a manner satisfactory to the individual.

The proper representatives of the employees 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 4th day of May, 1942.

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