

Award No. 801
Docket No. MC-251-47
2-T&P-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

D. B. McFARLAND—EMPLOYEE

vs.

THE TEXAS AND PACIFIC RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEE: (1) Back pay for doing machinists' work and not being allowed the rate of pay the contract calls for.

(2) Not being placed on seniority roster as machinist from first time used on machinist job.

(3) Claim for an eight-hour day's pay for each calendar day since furloughed from his job on June 25, 1937, and allowing younger machinist to be placed on the job.

FACTS AND POSITION OF PARTIES: The petitioner is attempting to have his claim decided by this Division of the National Railroad Adjustment Board. The evidence of record does not show that the claimant has handled this dispute 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 the 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 employes, this Board is without jurisdiction to pass upon petitioner's claim. See Gooch vs. Ogden Union Railway and 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 30th day of June, 1942.

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