

Award No. 805
Docket No. MC-959-50
2-MP-1-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

W. D. JONES—EMPLOYEE (MACHINIST HELPER)

vs.

MISSOURI PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: Petitioner states he was dismissed from the service on November 28, 1941, by Superintendent R. C. Williams, who claimed that he failed to report for duty November 19 and 20, 1941, and that he was absent without proper authority.

Petitioner respectfully asks that Rule 32-E be enforced in this case, which provides, "If it is found that an employe has been unjustly suspended or dismissed from service, such employe shall be reinstated with his seniority rights unimpaired and paid for wage lost, if any, resulting from said suspension or dismissal."

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 in the record does not show that the petitioner handled his claim "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." Petitioner, having 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 & 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 13th day of July, 1942.