

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

BRIGHAM L. PRICE
vs.
PACIFIC FRUIT EXPRESS COMPANY

DISPUTE: CLAIM OF EMPLOYEE: The claim of Brigham L. Price, the employe, against the Pacific Fruit Express Company, the carrier, is for the sum of two hundred seventy-six dollars (\$276.00). The claim is based upon the fact that between May 14, 1935, and August 2, 1935, I was a carman in good standing employed by the said carrier. That during said time I was laid off, and, in my place, the carrier employed a man whose seniority was less than mine and who was not entitled to work while I was laid off. That the seniority roster was posted by the carrier prior to May 14, 1935, was by me duly protested, and the carrier had notice of my protest. That, notwithstanding the protest, I was laid off while the man with less seniority was permitted to work. That because of being so laid off, the time lost would have entitled me to pay in the sum of two hundred seventy-six dollars (\$276.00).

FACTS AND POSITION OF PARTIES: Claimant contends he was improperly furloughed on May 14, 1935, and junior employe retained in service.

Carrier contends that claimant is in error as to date of claim, and that claimant was properly furloughed in 1935. Carrier further contends that dispute was handled to a conclusion on the property by the duly authorized representatives of the employes in 1936 when claimant initiated a claim for compensation for improper furlough from May 14, 1936, to July 29, 1936.

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

The proper representatives of the employes 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 3d day of December, 1942.