

Award No. 709
Docket No. MC-592-4
2-C&O-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

ALVA DAVIS, ET AL

vs.

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: The petitioners have seniority rights as of the dates set opposite their respective names in Column I. Upon a reduction in force they were laid off on the respective dates shown in Column II, were recalled to work upon the dates shown in Column III and again laid off on the dates shown in Column IV. They are not now at work.

FACTS AND POSITION OF PARTIES: The petitioners state they are entitled to certain seniority rights. The carrier states they were given the seniority provided for in the agreement duly executed between the proper representatives of the employees and the proper representatives of the carrier dated July 26, 1939. Copy of that agreement is filed in this case.

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 employees 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 18th day of March, 1942.