

Award No. 730
Docket No. MC-459-9
2-C&EI-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

J. G. PATTERSON—EMPLOYEE

vs.

CHICAGO AND EASTERN ILLINOIS RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEE: Employee claims that he was laid off from work upon September 4, 1931; that despite the fact that he was ready and willing to work at all times thereafter and in entire disregard of employee's seniority rights, carrier put juniors and new employees to work upon his job; that employee insisted upon his seniority rights but carrier refused without explanation to employ him; that employee has lost his salary of \$20.79 a week from that day to this, a total loss to date, with legal interest, of eleven thousand four hundred eighty-six dollars and ninety cents (\$11,486.90).

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 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 employees, 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 31st day of March, 1942.