

Award No. 735
Docket No. MC-477-14
2-NYC-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

HERBERT W. ZURBRICK

vs.

THE NEW YORK CENTRAL RAILROAD

DISPUTE: CLAIM OF EMPLOYEE: I claim that I have obtained all the ninety (90) day leaves of absence, as set forth in the within statement of facts and these leaves of absence are recognized by the carrier as shown by the letters from J. G. Parsons, superintendent of shops for the New York Central Railroad Company, which are attached to this claim. Because of the facts, as set forth in the statement herein, I claim that the New York Central Railroad has been unfair to me and has not given recognition to my seniority rights for a job. I request that an award be made that I be put back to work and that I be given back pay from July 4, 1934 to September 6, 1936 and from November 24, 1937 until I am actually put back to work.

FACTS AND POSITION OF PARTIES: The petitioner states he is entitled to certain seniority rights and payment for time lost. The carrier states and the record so shows that the issue was disposed of with the proper representatives of the employees in accordance with the agreement in effect.

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

The proper representatives of the employee 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 2nd day of April, 1942.