

Award No. 736
Docket No. MC-567-15
2-FW&DC-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

J. H. McLENDON—EMPLOYEE

vs.

FORT WORTH & DENVER CITY RAILWAY CO.

DISPUTE: CLAIM OF EMPLOYEE: Your petitioner claims that on or about the 1st day of December, 1927, he was unjustly discharged while in the employment of the said Fort Worth & Denver City Railway Company as a boilermaker, in its mechanical department, at Fort Worth, Texas, and while a member of its so-called "COMPANY UNION," without just cause or fault on his part, and without receiving a fair hearing, and/or without the holding of an investigation of his case, as is provided by Rule 31 of the written agreement between said railway company and the Association of Mechanical Department Employees of said railway company, of which he was then a member; that he is entitled to be reinstated, with full seniority rights, and paid for all time lost by reason of said unjust discharge; and in the alternative, that his seniority rights shall be fully restored to him by the order of this Board, regardless of whether or not he may be entitled to pay for time lost.

FACTS AND POSITION OF PARTIES: The petitioner states that he is entitled to certain seniority rights. The carrier states he was given the seniority provided for in the agreement duly executed between the proper representatives of the employes and the proper representatives of the carrier dated November 1, 1926. Copy of the settlement 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 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 2nd day of April, 1942.