

Award No. 741
Docket No. MC-893-19
2-CCC&StL-I-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

HENRY BRIDGES

vs.

**CLEVELAND, CINCINNATI, CHICAGO & ST. LOUIS
RAILWAY**

DISPUTE: CLAIM OF EMPLOYEE: "I, Henry Bridges, was dismissed as boiler inspector for this reason: Poor workmanship and failure to obey orders. In other words, incompetency.

Agreement between Cleveland, Cincinnati, Chicago & St. Louis Railway Company and their Employees represented by System of Federation No. 54 at the Railway Employees' Department of the American Federation of Labor and its Affiliated Organization of the Mechanical Sections:

International Brotherhood of Boilermakers, etc., Rule No. 32—"An employe who has been in the service of the railroad for thirty (30) days shall not be dismissed for incompetency."

FACTS AND POSITION OF PARTIES: Petitioner states he was dismissed as boiler inspector for poor workmanship and failure to obey orders; in other words, incompetency.

Carrier states that he was dismissed on April 11, 1933, for improper workmanship and failure to obey instructions; that his case was reviewed by general chairman in April, 1933; that the case, therefore, was not pending and unadjusted June 21, 1934.

OPINION OF THE DIVISION: This Board does not have jurisdiction in cases that were not pending and unadjusted on the date of approval of the Railway Labor Act.

The record in this case shows that there was no asserting of the claim from April, 1933, until sometime in 1941.

This dispute was not pending and unadjusted within the meaning of the amended Railway Labor Act on the date of the approval of this act (June 21, 1934). Therefore, this Board is without jurisdiction to pass upon petitioner's claim.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 9th day of April, 1942.

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