

Award No. 746
Docket No. MC-380-24
2-MV-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

J. B. LYNCH, PETITIONER

vs.

MIDLAND VALLEY RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: Petitioner states that he was furloughed by reason of a necessary reduction in force on February 1, 1932, has not been recalled to service and that employees with less seniority have been called back for employment; demands restoration of full seniority rights with compensation for time lost.

FACTS AND POSITION OF PARTIES: The petitioner states that he was deprived of seniority rights. The carrier answers that petitioner had no contractual rights; that the matter has not been handled "in the usual manner" nor in accordance with the existing rules of agreement.

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 the petitioner's claim. (See Gooch vs. Ogden Union Railway & Depot Company, Award 514.)

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 14th day of April, 1942.

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