

Award No. 762
Docket No. MC-511-29
2-IC-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

STEVEN KOVACS, INDIVIDUAL
vs.
ILLINOIS CENTRAL RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: Reinstatement to position of machinist at Burnside shops and recognition of twelve years seniority rights plus back pay if the Board so decides.

FACTS AND POSITION OF PARTIES: Petitioner is attempting to have his claim decided by this Division of the National Railroad Adjustment Board. The carrier contends that the accredited representative of the employees did not handle this case as provided for in the agreement, and therefore it has not been handled in the usual manner under Rule 37 of the existing 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 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 21st day of April, 1942.