

**Award No. 763**  
**Docket No. MC-766-30**  
**2-CRI&P-1-'42**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**SECOND DIVISION**

**PARTIES TO DISPUTE:**

**GEORGE W. MOODY, SHOP LABORER**  
**vs.**  
**THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY**  
**COMPANY**

**DISPUTE: CLAIM OF EMPLOYEE:** Mr. Moody contends that he was displaced by Mr. Crockett on October 15, 1938, as laborer and that he is entitled to be placed back as a laborer at Haileyville, Oklahoma, and that he is entitled to receive pay for all the time lost.

**FACTS AND POSITION OF PARTIES:** The petitioner is attempting to have his claim decided by this Division of the National Railroad Adjustment Board. The carrier contends that Mr. Moody has not complied with Rule 18 and has not prosecuted his claim in the usual manner as prescribed in the agreement in effect.

**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 employes, 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.

[637]