

Award No. 764
Docket No. MC-779-31
2-Clinch.-1-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

J. W. RICE, ET AL
vs.
CLINCHFIELD RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES: Employees' claim for correction of seniority dates prior to 1922 and pay for time lost due to reduction in force from April 5, 1938.

FACTS AND POSITION OF PARTIES: The petitioners are attempting to have their claim decided by this Division of the National Railroad Adjustment Board. The carrier contends that the dispute, not having been presented to the carrier by the duly elected representatives of the employes, the proper procedure has not been followed, therefore, it has not been handled in the usual manner as required by the provisions of the Railway Labor Act.

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 petitioners. The usual manner of negotiating with the carrier was not complied with. There was no failure to reach an adjustment "in the usual manner." Petitioners, having failed to pursue the required method of presenting their 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 petitioners' 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.

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