**Award No. 767**
**Docket No. MC-583-33**
**2-CRI&P-I-'42**

# NATIONAL RAILROAD ADJUSTMENT BOARD
# SECOND DIVISION

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## PARTIES TO DISPUTE:

## GEORGE D. NEWBORN—POWER PLANT EMPLOYE

**vs.**

## THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY

**DISPUTE: CLAIM OF EMPLOYE:** I claim that on June 1, 1939, my name was removed from the firemen and oilers seniority roster posted at the power plant, Silvis shops, Silvis, Ill., and that such removal deprived me of my seniority rights as a power plant employe.

I claim that I still am entitled to my seniority rights as a power plant employe.

I claim that I should be given work covered by the agreement between The Chicago, Rock Island and Pacific Railway Company, and the International Brotherhood of Firemen & Oilers, which work I am entitled to do under my seniority rights as a power plant employe.

I claim that I should now be receiving the rate of pay established in line with my duties as a power plant employe up to June 1, 1939.

I claim that I should be reinstated as a power plant employe with my seniority rights intact and should be compensated for the wage loss which has resulted on account of the removal of my name from the power plant roster at Silvis shops power plant, June 1, 1939, and the refusal of the company to give me work covered by the agreement between The Chicago, Rock Island and Pacific Railway Company, and the International Brotherhood of Firemen and Oilers.

**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 states the issue in question was disposed of with the local committee. The record shows no further handling as provided for in Rule 16 of the agreement effective July 1, 1929.

**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 agree-

ment between the carrier and the employes, this Board is without jurisdiction to pass upon petitioner's claim. See Gooch vs. Ogden Union Railway and 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 29th day of April, 1942.