

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

S. P. HILL

vs.

BURLINGTON-ROCK ISLAND RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: S. P. Hill claims the time worked by E. J. Reed, machinist, during the period from January 15, 1931, to October 31, 1936, during which F. A. Irwin was employed as a machinist in the Teague Shops out of turn according to seniority rights.

FACTS AND POSITION OF PARTIES: The petitioner is attempting to have his claim for compensation from January 15, 1931, to October 31, 1936, decided by this Division of the National Railroad Adjustment Board.

Carrier states that petitioner was laid off in reduction of force in January, 1931, and has had no subsequent employment with the carrier.

OPINION OF THE DIVISION: Section 3 (i) of the Railway Labor Act as amended June 21, 1934, provides:

"The disputes between an employe or group of employes and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on the date of approval of this Act, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes."

This Board does not have jurisdiction in cases that were not pending and unadjusted on the date of approval of this Act.

The record in this case shows there was no asserting of this claim until May 11, 1939.

This dispute was not pending and unadjusted within the meaning of the amended Railway Labor Act on the date of approval of the Act (June 21, 1934); therefore, this Board is without jurisdiction to pass upon the petitioner's claim.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 4th day of May, 1942.