Award No. 779

Docket No. MC-392-41

2-C&O-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

THEODORE RATCLIFF, ET AL—EMPLOYES (BOILERMAKERS)

vs.

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYES: Petitioner, Theodore Ratcliff, claims that he is entitled to seniority starting from date first hired as boilermaker after having completed apprenticeship. Further, petitioner claims that a "waiver of seniority rights" that he and others were forced to sign at time of being hired following completion of apprenticeship does not deprive him of this seniority. Petitioner further claims that seniority starts at time of employment following completion of apprenticeship and not at time apprenticeship is completed. Petitioner further claims that furloughed outside point employes not having ever established seniority at Huntington shops, have no right to come in and relieve working employes of their positions on basis of their seniority.

Petitioner further claims that furloughed employes, employed elsewhere, who fail to return to work in a reasonable length of time, after having been properly notified, lose their seniority standing and have no right to return and relieve working employes of their positions just as they choose.

Further, petitioner claims he is entitled to restoration of his position as active boilermaker, Huntington shops of Chesapeake and Ohio Railway Company with full pay for working time lost by reason of being unjustly furloughed. This claim includes other boilermakers listed under caption PARTIES TO DISPUTE.

FACTS AND POSITION OF PARTIES: The petitioners state they are entitled to certain seniority rights and payment for time lost. The carrier states and the record so shows that the issue was disposed of with the proper representatives of the employes in accordance with the agreement in effect.

OPINION OF THE DIVISION: This Board has jurisdiction only in case the parties "fail to reach an adjustment." Here the parties did not fail to reach an adjustment; they decided on the proper status of the employes in question. The statute does not say the matter must be settled in a manner satisfactory to the individual.

The proper representatives of the employes conferred with the proper representatives of the carrier. They came to a decision and so far as any

further proceedings under the statute is concerned that decision is final. This Board has no further jurisdiction to review it. See Arnold Hildebrand vs. Union Pacific Railroad Company Award No. 643.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1942.