

Award No. 780
Docket No. MC-628-42
2-C&O-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

R. D. LONG, JR.

vs.

THE CHESAPEAKE AND OHIO RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEE: An assignment being bulletined under the existent agreement at the time of the bulletin, said assignment rightfully awarded and two (2) years and five (5) months later the same assignment assigned to a junior party in service under a rule adopted January 30, 1939, for the sole benefit of the junior party in service.

FACTS AND POSITION OF PARTIES: The petitioner states he is entitled to have restored certain rights and privileges, together with back time as granted by agreement.

The carrier states this claim was settled and a modification of the agreement was agreed to between the carrier and the duly authorized representatives of the system federation, including the authorized representative of the boilermakers; copy of the settlement is made a part of this case.

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 employee in question. The statute does not say the matter must be settled in a manner satisfactory to the individual.

The proper representatives of the employees conferred with the proper representatives of the carrier. They came to a decision and so far as any further proceeding 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 21st day of May, 1942.

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