

Award No. 793
Docket No. MC-667-45
2-UP-1-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

GEORGE HOFFERBER

vs.

UNION PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: Claim that George Hofferber, machinist, was removed from the seniority list in violation of the agreement between the Union Pacific Railroad Company and its employees, and should be placed back on the seniority list with his rights unimpaired and paid for time lost between dates August 6, 1936, and May 19, 1937, and since January 1, 1940, until re-employed, minus all unemployment benefits received and temporary days worked since January 1, 1940.

FACTS AND POSITION OF PARTIES: The petitioner is attempting to have his claim decided by the Second Division of the National Railroad Adjustment Board; that the claim has been handled in accordance with established practice on the Union Pacific Railroad Company; it has been handled up to and including the highest officer of the carrier designated to handle such claims without any relief or satisfaction.

Carrier contends and the record so shows that Hofferber's seniority status was agreed to June 29, 1940, by the proper representatives of the carrier and the employees on the property.

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 26th day of May, 1942.

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