

Award No. 802
Docket No. MC-302-48
2-UP-I-'42

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

PARTIES TO DISPUTE:

GEORGE GEORDANO,
ALSO KNOWN AS JAMES GEORDANO

vs.

UNION PACIFIC RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEE: For reinstatement in position of former employer, the Oregon Short Line Railroad Company, now the Union Pacific Railroad Company, at Pocatello, Idaho, and for compensation during the period of time he was held out of service, and further, his right to the pension as provided by the Federal Laws for employes whose time and service with said railroad company has reached the number of years as required in the law as enacted by Congress of the United States of America, for the welfare and benefit of said employes.

FACTS AND POSITION OF PARTIES: The petitioner avers that he was unjustly dealt with and wrongfully dismissed from the service. The carrier states that the dismissal of claimant was warranted and justified and that the duly accredited representatives of the employes agreed that the carrier's action was proper. Copy of the agreement between carrier and employe representatives on this issue is filed in 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 agreed that the carrier's action in dismissing this employe was proper. 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 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 30th day of June, 1942.

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