

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13407
Docket No. 13190
98-2-96-2-107**

The Second Division consisted of the regular members and in addition Referee Margo R. Newman when award was rendered.

**(System Council No. 6
(International Brotherhood of Firemen and Oilers**
PARTIES TO DISPUTE: (
**(CSX Transportation, Inc. (former Seaboard
(Coastline Railroad)**

STATEMENT OF CLAIM:

- “1. The SCL Railroad Company violated Article I of September 25, 1964 Agreement when F&O D. W. Hayes was receiving a dismissal allowance pursuant to the protective benefits of the September 25, 1964 Agreement, was offered a position at another point, namely Waycross, GA and forfeit said dismissal allowance that he was receiving.**
- 2. That accordingly, CSXT be ordered to reinstate Firemen and Oiler D. W. Hayes’ guarantee with any and all benefits attached thereto as provided by the September 25, 1964 Agreement beginning April 13, 1993.”**

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Except as to the identity of the Claimant, the date of his furlough and receipt of dismissal allowance, his home location and the location of his transfer, this dispute is based upon the same arguments and Agreement language considered in Second Division Award 13406. For the reasons stated therein, the Board reaches the same conclusion.

AWARD

Claim sustained.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

Dated at Chicago, Illinois, this 16th day of June 1999.