

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20907
Docket Number **MW-20748**

William M. Edgett, Referee

PASTIES TO DISPUTE: (Brotherhood of Maintenance of Way **Employees**
(Burlington Northern Inc.

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
that:

(1) The **discipline** of Track Supervisor K. L. Goddard ("**your**
seniority as track supervisor is restricted to section laborer only")
was improper, arbitrary, **capricious**, without just and sufficient cause
and in violation of the Agreement (System **FileB-Y-102C/MW-20(b) 3/23/73**).

(2) Mr. K. L. Goddard be returned to his fo- position as
track supervisor with seniority as such unimpaired and he be allowed the :
difference between what he would have received at the track **supervisor's**
rate and what he **was** paid at the section laborer's rate from September 19,
1972 through February 2, 1974.

OPINION OF BOARD: After a careful review of the entire record the
Board has **concluded** that the discipline assessed in
this **case** has now served its purpose and that **Claimant's** seniority should
no longer be restricted to **section laborer** only. **Carrier** is directed to
remove that restriction upon **receipt** of this Award.

FINDINGS: The Third Division of the Adjustment Board upon the whole record
and **all** the evidence, finds and holds:

'That the parties **waived** oral hearing;

That the Carrier and the **Employees** involved in this dispute are
respectively **Carrier** and **Employees** within the meaning of the **Railway** Labor
Act, as approved **June 21, 1934**;

That this Division **of** the Adjustment Board has jurisdiction over
the dispute involved herein; and

That the restriction placed on **Claimant's** seniority should be
removed.

A W A R D

Claim sustained to the extent stated in the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: *A.W. Paulsen*
Executive Secretary

Dated at Chicago, Illinois, this 16th day of January 1976.