

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21126
Docket Number MW-21026

Joseph A. Sickles, Referee

(Brotherhood of Maintenance of Way **Employes**

PARTIES TO DISPUTE:

(Burlington Northern Inc.

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

The Carrier should pay to the widow of **Sectionman** Gerald W. Van Skike the benefits set forth in "Appendix H", namely the sum of \$100,000 less any amounts payable under group Policy Contract GA-23000 of the Travelers Insurance Company or any other **medical** or insurance policy or plan paid for in its entirety by the Carrier (System File **17-3/MW-46 9/18/72**).

OPINION OF BOARD: The facts and circumstances contained in this **record** are essentially the same as those **set** forth **and** considered in our Award No. 21125. In that Award, **we** contemplated the various arguments and defenses of the parties and disposed of same. No purpose is served by detailed repetition in this document. Suffice **it** to say that the contents of Award No. 21125 are **incorporated herein** by reference.

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 **Employes** involved in this dispute are respectively Carrier and **Employes** 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 Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD

By Order of Third Division

ATTEST:


A.W. Pauley
Executive Secretary

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