

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20907
Docket Number MW-20748

William M. Edgett, Referee

PARTIES 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 File B-Y-102C/MW-20(b) 3/23/73).

(2) Mr. K. L. Goddard be returned to his former 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. Parker
Executive Secretary

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