

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26510
Docket Number MW-25960

Eckehard Muessig, Referee

PARTIES TO DISPUTE: ((Brotherhood of Maintenance of Way Employees
(Burlington Northern Railroad Company
(formerly St. Louis-San Francisco Railway Company)

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

1. The Carrier violated the Agreement when it abolished the position of Fuel Foreman at Memphis, Tennessee on January 21, 1983 and assigned the work of that position to storeroom employees (System File B-2180/MWC 83-7-28).

2. Fuel Foreman R. L. Lipscomb, Jr. shall be compensated for all time lost, including overtime, beginning January 21, 1983 and continuing until Mr. Lipscomb is returned to his position as Fuel Foreman at Memphis, Tennessee."

OPINION OF BOARD: This Claim is identical, but for the identity of the Claimant and the geographic location, to the Claim decided in Third Division Award No. 25878.

The Board is not unmindful of, and has considered the reasoned arguments advanced by the Organization. However, given that these same issues between the same parties have been previously decided, as noted above, we again associate ourselves with the Division's position of adhering to the precedents of decided cases, unless these cases relied upon are found palpably in error. That is not the case here and the Claim must be denied.

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 Employee involved in this dispute are respectively Carrier and Employee 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

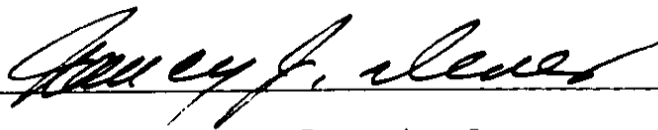
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: _____



Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of September 1987.