

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 30992
Docket No. MW-31643
95-3-93-3-663

The Third Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(Soo Line Railroad Company (former Chicago,
(Milwaukee, St. Paul and Pacific Railroad
(Company)

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

- (1) The Agreement was violated when the Carrier arbitrarily terminated Machine Operator D. L. Reed when, by letter dated November 12, 1992, it advised him that he had forfeited his seniority rights under the Agreement (System File C-01-93-A380-01/8-00118 CMP).
- (2) The Agreement was further violated when Division Manager Mr. D. J. Lyons failed to notify the General Chairman in writing of his reasons for disallowing the initial claim filed under date of January 5, 1993.
- (3) As a consequence of the violations referred to in Parts (1) and/or (2) above, Machine Operator D. L. Reed shall be reinstated to service and he shall be allowed straight time, overtime, vacation and benefits lost from November 12, 1992 and continuing."

FINDINGS:

The Third 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 waived right of appearance at hearing

thereon.

Other than the Claimant and the dates he was absent, the facts and circumstances in this case are identical to the facts and circumstances discussed and adjudicated in Third Division Award 30991). What is said there is adopted here, totally.

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 Third Division

Dated at Chicago, Illinois, this 26th day of July 1995.

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

INTERPRETATION NO. 1 TO AWARD NO. 30992

DOCKET NO. MW-31643

NAME OF ORGANIZATION: (Brotherhood of Maintenance of Way Employees

**NAME OF CARRIER: (Soo Line Railroad Company (former Chicago,
(Milwaukee, St. Paul and Pacific Railroad
(Company)**

Award 30992 dealt with an identical claim as found in Award 30991. The Interpretation request is identical to that found in Interpretation 1 to Award 30991. The findings in that Interpretation are incorporated into this Interpretation in its entirety. Payment to Claimant is as set forth therein.

Referee Robert L. Hicks who sat with the Division as a neutral member when Award 30992 was adopted, also participated with the Division in making this Interpretation.

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

Dated at Chicago, Illinois this 4th day of March 1997.