

AWARD NO. 135  
Case No. MW-40-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Chicago, Rock Island and Pacific Railroad Company  
TO THE ) and  
DISPUTE ) Brotherhood of Maintenance of Way Employes

QUESTION AT ISSUE: Is Maintenance Gang Foreman H. H. Wheeler entitled to be reimbursed for the cost of moving his household goods because he moved from Oklahoma City, Oklahoma to Hennessey, Oklahoma as the result of the re-organization of track forces effective September 9, 1967.

OPINION OF BOARD: The issue to be decided is whether Rule 6(b) of the agreement between the parties and Memorandum No. 12 govern the procedures involved in the reorganization of track forces effective September 9, 1967, or whether they had, in effect, been waived.

It cannot be found that there was a waiver and that, as Carrier contends, Claimant could have and should have displaced a foreman headquartered in Oklahoma City. Since Rule 6(b) is applicable, Claimant was justified in bidding for one of the newly established positions in order to retain protected status. The location of the new position in Kingfisher, Oklahoma, is about 50 miles from Oklahoma City, which was the site of Claimant's abolished position. Under these circumstances, Claimant was required to change his place of residence and moving expenses are due him.

With respect to Carrier's assertion that the moving company's estimate is not adequate proof either that the move had been made or of its cost, this was not raised on the property, and there is no reason now to question it.

A W A R D

The answer to the question is Yes.

  
Milton Friedman; Neutral Member

Dated: Washington, D. C.  
September 10, 1969