

AWARD NO. 334  
Case No. TCU-28-W

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES ) Fort Worth and Denver Railway Company  
TO THE ) and  
DISPUTE ) Transportation - Communication Employees Union

QUESTION  
AT ISSUE:

Does an extra employee who obtains a regular position as soon as such is available to him after December 24, 1965, retain protected status under the terms of Article II, even though such employee may not have obtained a regular position when available to him prior to December 24, 1965?

OPINION  
OF BOARD:

It is the Opinion of the Board that because of the unusual facts and circumstances involved in this case and without establishing a precedent on this or any other carrier that the claims should be denied except that claimant W. W. Linville, the only remaining claimant currently employed by the carrier, should be restored to protected status under the February 7, 1965 Agreement as of the date of this Award without any retroactive compensation to him or the other claimants. Because of this disposition there is no reason to consider any other issue raised by the parties.

AWARD

The case is disposed of as per Opinion of the Board.

<u>W. S. Macgill</u>	<u>C. L. Dennis</u> p
<u>M. E. Parks</u>	<u>J. E. Leighty</u>

Dated: November 14, 1972

Washington, D. C.