

**SPECIAL BOARD OF ADJUSTMENT NO. 1087**

Parties to Dispute: )  
)  
BROTHERHOOD OF MAINTENANCE ) Case No. 32  
OF WAY EMPLOYES DIVISION, ) Award No. 32  
INTERNATIONAL BROTHERHOOD OF )  
TEAMSTERS, )  
) **OPINION OF THE BOARD**  
Organization, )  
)  
and )  
)  
BURLINGTON NORTHERN SANTA FE )  
RAILWAY. )  
)  
Carrier, )  
\_\_\_\_\_ )

Hearing Date: January 17, 2007  
Hearing Location: Sacramento, California  
Date of Award: March 14, 2007

**MEMBERS OF THE BOARD**

Organization Members: R. B. Wehrli and Donald F. Griffin  
Carrier Members: Kenneth Gradia and John Hennecke  
Neutral Member: John B. LaRocco

**EMPLOYEES' STATEMENT OF CLAIM**

1. Did the Carrier violate the provisions of the Agreement dated February 7, 1965, as amended September 26, 1996, (Feb 7<sup>th</sup> Agreement) particularly Article II, Section 1, as amended by the parties June 10, 1999, when it suspended Claimant J.D. Butcher's protection benefit entitlement for March 6, 2006?
2. If the answer to 1 is "yes" is the Carrier required to allow Claimant a compensation benefit totaling \$128.40 for March 6, 2000, pursuant to Article IV, Section 1?

**CARRIER'S QUESTION AT ISSUE**

1. Did J.D. Butcher fail to retain or obtain a position available to him in the exercise of his seniority rights in accordance with existing rules or agreements?

**OPINION OF THE BOARD**

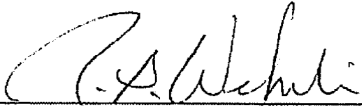
This Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act as amended; that this Board has jurisdiction over the parties and the subject matter of the dispute herein; that this Board is duly constituted according to the 1996 Mediation (National) Agreement and as specified in the National Mediation Board appointment letter dated August 18, 2004; and that all parties were given due notice of the hearing held on this matter.

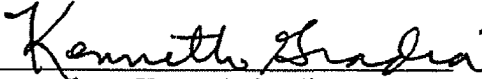
The parties settled the claim on the property which renders moot the Organization's and Carrier's Questions at Issue. Accordingly, the Board dismisses this claim.

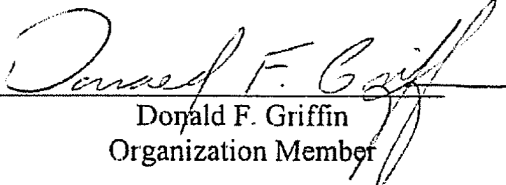
**AWARD AND ORDER**

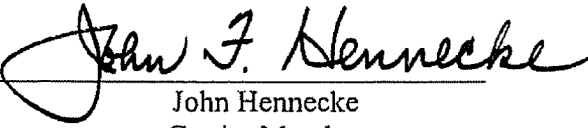
1. The Employee's claim is dismissed.
2. The Carrier's Question at Issue is moot.

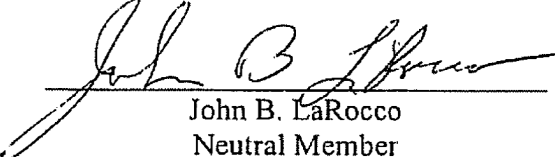
DATED: March 14, 2007

  
R. B. Wehrli  
Organization Member

  
Kenneth Gradia  
Carrier Member

  
Donald F. Griffin  
Organization Member

  
John Hennecke  
Carrier Member

  
John B. LaRocco  
Neutral Member