

AWARD NO. 324
Case No. TC-BRAC-121-W
Redesignated CL-88-W(TC)

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Burlington Northern Inc.
TO THE) and
DISPUTE) Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handler, Express and Station Employees

QUESTIONS

- AT ISSUE:
1. Did the Carrier violate the February 7, 1965 Stabilization of Employment Agreement when it refused to allow L. E. Myers benefits provided under Article V of said Agreement?
 2. Shall Carrier be required to compensate L. E. Myers in the amount of \$603.80?

OPINION

OF BOARD: It is undisputed that Claimant was due \$603.80 as moving expenses, transfer allowance and five-days' pay, pursuant to Article V of the February 7 Agreement. However, Carrier contends that "several hundred dollars" should be offset against the amount of the claim.

Carrier had purchased Claimant's house because Claimant was required to move his residence. He was nevertheless permitted to occupy it for several weeks after the closing. According to Carrier, various appurtenances of the property were wrongfully removed or damaged during this period and the "several hundred dollars" are due it on that account.

The issue presented by the Organization should not be before the Disputes Committee at all, Carrier argues, since the claim under Article V is not contested and the offset sought is not a subject for disposition by the Committee; the method for resolving what Claimant may owe Carrier is specifically set forth in Section 11(d) of the Washington Agreement.

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The authority of this committee is limited to interpreting and applying the February 7 Agreement. Thus we can--and are obliged to--decide the issue of Carrier's failure to comply with its commitment under Article V. But we have no authority to judge the propriety of an offset which does not arise under the Agreement.

Consequently the claim is sustained. Since the propriety of Carrier's claimed offset is not acknowledged, it must be litigated in another forum. It is outside the jurisdiction of this Committee, and the Award is without prejudice on this question.

A W A R D

The Answer to the Questions is Yes,
although this is without prejudice
to Carrier's claim for monies due
from Claimant.



Milton Friedman
Neutral Member

Dated: October 12, 1972
Washington, D. C.

