

SPECIAL BOARD OF ADJUSTMENT (P.L. BOARD) NO. 39

Award No. 4
Case No. MW-196

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Spokane, Portland and Seattle Railway Company (System Lines)

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

(1) The Carrier violated the Agreement when it awarded the
position of

'Helper on Hydraulic Production Tamper R-23,
as advertised in M. of W. Bulletin No. 18
and B. & B. Bulletin No. 13 of April 21, 1965'

to an applicant (Sid L. Gulley) who is junior in seniority
to applicant Mr. R. D. Roberts. (System Case MW-196)


(2) Mr. R. D. Roberts now be paid the difference between
the machine operator helper's rate and what he was paid
at the section laborer's rate for each workday beginning
with May 12, 1965 and continuing until the violation
referred to in Part (1) is discontinued.

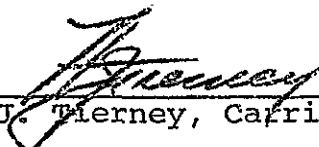
FINDINGS:

The Board, upon the whole record and all the evidence finds
that:

In view of the facts and circumstances in this particular case
and without construing the rules of agreement relied upon by the
parties as they might apply to any other case involving the same or
similar set of circumstances, the claimant will be allowed \$20.00.

AWARD: As per Findings.


J. P. Wilson, Employee Member


H. J. Tierney, Carrier Member

Portland, Oregon
August 10, 1967