

PUBLIC LAW BOARD NO. 5396

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

vs.

SOUTHERN PACIFIC TRANSPORTATION
COMPANY
(Western Lines)

PLB Case No. 37

NMB Case No. 37

STATEMENT OF CLAIM

1. That the Carrier violated the provisions of the current Agreement when it dismissed Track Supervisor J.S. Hughes. Said action being excessive, unduly harsh and in abuse of discretion.
2. That the Carrier now reinstate Claimant to his former Carrier position with seniority and all other rights restored unimpaired, with pay for all loss suffered and his record cleared of all charges.

FINDINGS

On June 3, 1996, Claimant signed an agreement returning him to service on a leniency basis, without compensation for lost

time or benefits. This claim is consequently dismissed.

AWARD

Claim dismissed.

C.H. Gold
C.H. Gold,
Neutral Chairman

C.F. Foose
C.F. Foose,
Employee Member

D.A. Ring
D.A. Ring,
Carrier Member

12-29-97
Date of Approval