

**PUBLIC LAW BOARD NO. 5418**

Case No. 37

Award No. 37

**PARTIES**

to

**DISPUTE:**

Brotherhood of Maintenance of Way Employees

- and -

Springfield Terminal Railway Company

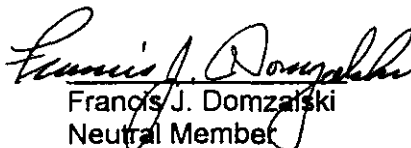
**STATEMENT OF CLAIM:**

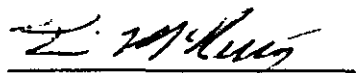
Claim in behalf of T.G. Smith, for the difference in pay from a Trackman's rate to a Foreman's rate beginning January 28, 1999, because the Carrier failed to comply with an arbitration decision dated December 18, 1998. The Carrier failed to give Mr. Smith the specifics of why he was removed from The FRA Foreman's list.


**FINDINGS:** This dispute came about because the Organization alleges that the Carrier failed to comply with Award No. 23 of PLB-5418, dated December 18, 1998. They assert the Carrier did not give the claimant the specifics as to why he was removed from the FRA Foreman's list.

A review of the record shows the Carrier's Chief Engineer sent a certified letter to the claimant on February 3, 1999, wherein he listed claimant's shortcomings under 213.7 of the Track Safety Standards. While the contents of this letter did not meet the specificity expectations of the Organization, it was, in the Boards view, sufficient to show compliance with the requirements of the aforementioned Award. Accordingly, the claim is not worthy of the payment of damages, and it is denied.

**AWARD:** The claim is denied.

  
Francis J. Domzalski  
Neutral Member

  
T. W. McNulty  
Carrier Member

  
B. A. Winter  
Organization Member

*I DISSENT*

Dated: 1-31-2000