

PUBLIC LAW BOARD NO. 4340

Joseph Lazar, Referee

AWARD NO. 1
CASE NO. 1

PARTIES) BROTHEROOD OF MAINTENANCE OF WAY EMPLOYEES
TO) and
DISPUTE) BURLINGTON NORTHERN RAILROAD COMPANY

STATEMENT
OF CLAIM:

Request that Machine Operator Helper D. A. Williams be paid at the operator helper rate of pay from July 18, 1986 for all time lost.

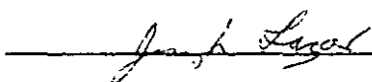
FINDINGS: The Board, on consideration of the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated April 10, 1987, that it has jurisdiction of the parties and the subject matter, and that, pursuant to the Agreement dated April 10, 1987, oral hearing by the parties, including Claimant, has been duly waived.

On the morning of July 18, 1986, according to Roadmaster, Claimant "came to me as everyone was going to work and asked (begged) me for a cut off slip. I told him I couldn't because I could get wrote up or he could lose his rights. He finally talked me into it." (Carrier's Ex. No. 2, p. 4). On July 26, 1986, in telephone conversation, it was understood that Claimant was "to submit a letter stating that when you were cut off you took a voluntary lay off." (Carrier's Ex. No. 2, pages 5 and 7). These facts are not disputed.

In the special facts and circumstances of record, and without prejudice to rules of Agreement, Claimant is entitled to be restored to service with seniority rights unimpaired but without pay for time lost.

A W A R D

Claim disposed of per Findings.


JOSEPH LAZAR, CHAIRMAN AND NEUTRAL MEMBER

DATED: August 28, 1987