

PUBLIC LAW BOARD NO. 10

AWARD NO. 10
NMB CASE NO. 10
UNION CASE NO. 10
COMPANY CASE NO. 10

PARTIES TO THE DISPUTE:

Boston and Maine Corporation

- and -

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier improperly abolished the position of Work Equipment Operator K. Bergeron effective April 25, 1986 without giving him at least five (5) working days' advance notice thereof and when the Carrier subsequently prevented him from returning to a position to which his seniority entitled him.
2. The Carrier failed to disallow the claim (submitted under date of June 12, 1986) as contractually stipulated in Article V of the August 21, 1954 National Agreement.
3. As a consequence of the violations referred to in Parts (1) and/or (2) above, the Claimant shall be compensated for all wage loss suffered including overtime and shall have all vacation rights and health and welfare benefits restored beginning May 19, 1986.

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OPINION OF BOARD:

With the exception of the Claimant named, the facts in this case are identical to the facts in Award No. 9 on this Board. In addition, with the exception of the inapplicability of Decision MW-39 to this case, the facts are those found in our Award No. 6 on this Board.

For the reasons set forth in detail in those Awards, the instant Claim is partially sustained in the same manner enunciated therein.

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AWARD

Claim sustained in part, in accordance with the
findings enunciated in the above award.

Elizabeth C. Wesman

Elizabeth C. Wesman, Chairman

Dated at Ithaca, New York on 9 December 1993

W.E. LaRue

Union Member

Dated at Southfield, MI

on March 10 1994

R.E. Dinamore - I dissent

Company Member

Dated at No. Billerica MA

on June 3, 1994