

PUBLIC LAW BOARD NO. 4669

AWARD NO. 7
NMB CASE NO. 7
UNION CASE NO. 7
COMPANY CASE NO. 7

PARTIES TO THE DISPUTE:

Boston and Maine Corporation

- and -

Brotherhood of Maintenance of Way Employes

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... Chauffeur A. E. Solmson effective April 25, 1986 without giving him at least five (5) working days' advance notice thereof and without first discussing and agreeing with the General Chairman as set forth in Decision MW-39 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 particular Claimant involved, the facts in this case are nearly identical to the facts set forth in Case No. 6 on this Board, involving Claimant M. C. Woodbury. The only difference between the cases is that Claimant in this case was returned to work on May 18, 1986, prior to having his seniority removed on May 19, 1986.

For the reasons set forth in detail in that Opinion, the Board partially sustains the above Claim in the same manner as 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 4 December 1993

W. B. R. Rue

Union Member

Dated at Southfield, MI

on March 10 1994

R. E. Dinamore - Dissent

Company Member

Dated at No. Belton MA

on June 3, 1994