

PUBLIC LAW BOARD NO. 4669

AWARD NO. 9  
NMB CASE NO. 9  
UNION CASE NO. 9  
COMPANY CASE NO. 9

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... B&B Foreman C. H. Ross 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.

OPINION OF BOARD:

The facts in this dispute are essentially the same as those set forth in Award No. 6 on this Board. However, since Claimant was not a member of either an "Inspection and Repair Crew" or a "Maintenance Crew". Accordingly, the language of Decision MW-39 (April 5, 1972) is not applicable. The language of Article III, reproduced in our Award No. 6, does apply, however. Accordingly, the Board continues to find, as it did in Award No. 6, that Carrier failed to give the required five-day notice when it abolished Claimant's job on April 25, 1986.

The reasoning of the Board concerning the remainder of this Claim is set out at length in Award No. 6. For 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 8 December 1993

W.E. LaRue

Union Member

Dated at Southfield, MI

on MARCH 10 1994

R.E. Dinamore - I dissent

Company Member

Dated at Nb. Belberca MA

on June 3, 1994