

PUBLIC LAW BOARD NO. 5396

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

vs.

SOUTHERN PACIFIC TRANSPORTATION
COMPANY
(Western Lines)

PLB Case No. 36

NMB Case No. 36

STATEMENT OF CLAIM

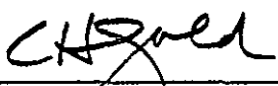
1. That the Carrier violated the provisions of the current Agreement when it dismissed Semi-Truck Driver C.H. Rowland. Said action being excessive, unduly harsh and in abuse of discretion.
2. That the Carrier now reinstate Claimant to his former Carrier position with seniority and all other rights restored unimpaired, with pay for all loss suffered and his record cleared of all charges.

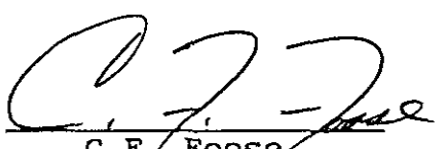
FINDINGS

On June 22, 1996, Claimant signed an Agreement Not To Return to Duty/Resignation. This claim is consequently dismissed.

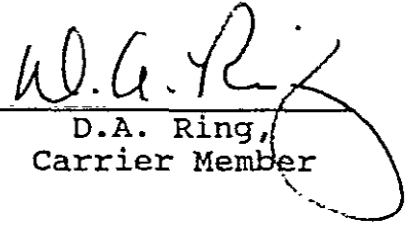
AWARD

Claim dismissed.


C.H. Gold,
Neutral Chairman


C.F. Foose,
Employee Member

12-29-97
Date of Approval


D.A. Ring,
Carrier Member