

PUBLIC LAW BOARD NO. 5606

**PARTIES) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
) DIVISION OF THE INT'L BROTHERHOOD OF TEAMSTERS
 TO)
DISPUTE) SPRINGFIELD TERMINAL RAILWAY COMPANY**

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- 1. The Agreement was violated when the Carrier allowed John H. Maxwell to displace the Claimant, Brent C. Randall, in violation of the seniority rule.**
- 2. As a consequence of the violation referred to in Part (1) above, Claimant Brent C. Randall shall now be compensated as outlined in the original claim, dated February 11, 2003, from Assistant General Chairman—BMW John P. Tracy. (Carrier File MW-03-14)**

FINDINGS:

The Board, after hearing upon 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; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

The claim giving rise to the instant dispute, and the respective positions of the parties in argument to the Board, are substantially identical to that heard by the Board in Case No. 26, except that we have before us another employee (Claimant Richard) who requests that he be made whole for the difference in pay and difference in mileage and travel time (a total of \$2,076.78 for the period of claim) because the Carrier allowed or permitted a seniority displacement in violation of Agreement rules that had the effect of Claimant then being displaced by a more senior employee from an Equipment Operator position in Lincoln, Maine.

For the same reasons the Board set forth in its Findings in Award No. 26 in disposition of Case No. 26, the instant claim will also be denied as being without merit or agreement support of record.

AWARD:

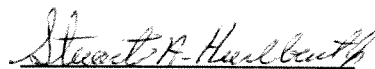
Claim denied.



Robert E. Peterson
Chair & Neutral Member



Anthony F. Lomanto
Carrier Member



Stuart A. Hulburt, Jr.
Organization Member

North Billerica, MA

Dated 10/23/06