

SPECIAL BOARD OF ADJUSTMENT NO. 1049

Award NO. 91

Parties to Dispute:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

AND

Norfolk Southern Railway Company

Statement of Claim:

Claim on behalf of former Georgia Northern employees E. Bell, Jr. and J. J. Allen that Section II (b) of the August 22, 1986 Implementing Agreement was violated when their trailer gang positions were abolished requiring them to exercise seniority to fixed headquarter gang positions located on the GS&F at Albany, Georgia; therefore, as a consequence they each shall be allowed payment of the trailer gang meal per diem of \$19.00 a day, seven days per week, since November 20, 1996..

[Carrier File: MW-ATLA-97-34-LM-265]

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.


This award is based on the facts and circumstances of this particular case and shall not serve as a precedent in any other case.


AWARD

After thoroughly reviewing and considering the transcript and the parties' presentations, the Board finds that the claim should be disposed of as follows:

The Claim is denied. The Implementing Agreement, under which Trailer Gang TM-185 was established, specifically recognized that the Gang might later be abolished. Accordingly, it also provided certain preferential employment rights for affected employees in that event. However, nowhere did it provide for continued entitlement to

the disputed meal allowance after the Gang ceased to exist.


Gerald E. Wallin
Chairman and Neutral Member


D. D. Bartholomay
Organization Member


E. N. Jacobs, Jr.
Carrier Member

Issued at St. Paul, MN on April 20, 1998