

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 11
Case No. 11

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees
and

CSX Transportation, Inc. (Former Louisville and
Nashville Railroad Company)

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier assigned Roadmaster L. D. Smith or Assistant Roadmaster T. W. Long to perform track repairman's duties on April 4, 7, 8, 14, 21, 25, 26, and 29, 1994, instead of assigning Mr. D. W. England [System File 14(28) (94)/12 (94-0692) LNR].
2. The Agreement was violated when the Carrier assigned Assistant Roadmaster T. W. Long to perform Maintenance of Way work (flag for the Curve Patch Gang between Mile Posts 48.7 and 57) on May 24, 1994, instead of assigning Mr. D. W. England [System File 14(33)) (94)/12(94-0783) LNR].
3. As a consequence of the violation referred to in Part (1) above, Claimant D. W. England shall be allowed sixty-four (64) hours' pay, eight (8) hours per day, at his respective straight time rate.
4. As a consequence of the violation referred to in Part (2) above, Claimant D. W. England shall be allowed eight (8) hours' pay at the appropriate straight time rate and two and one-half (2.5) hours' pay at the appropriate time and one-half rate.

FINDINGS:

This Board, upon the whole record and all of the evidence,

finds and holds as follows:

1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended,; and

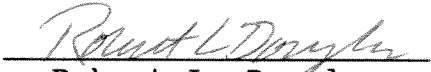
2. That the Board has jurisdiction over this dispute.

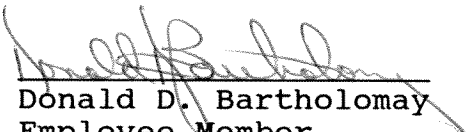
OPINION OF THE BOARD:

The submission in the present dispute includes a document that the Claimant executed on November 4, 1997. The document, titled "Settlement and Final Release of All Claims," applies to the present matter. As a result of the release, the Board lacks jurisdiction to consider the merits of the present claim.

AWARD:

The Claim is dismissed in accordance with the Opinion of the Board.


Robert L. Douglas
Chairman and Neutral Member


Donald D. Bartholomay
Employee Member


Patricia A. Madden
Carrier Member

Dated: February 19, 1999