

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 13
Case No. 13

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 maintenance work (replaced bolts and other track maintenance) between Mile Posts 2.4 and 129.6 on the Bruceton/Memphis Subdivision of the Nashville Division on June 6, 9 13, 14, 20, 21, 23, 27 and 30, 1994 [System File 14(41)(94)/12(94-0862) LNR].

2. As a consequence of the violation referred to in Part (1) above, Mr. D. W. England shall be allowed eight (8) hours' pay per day at his straight time rate for each day Roadmaster L. D. Smith and Assistant Roadmaster T. W. Long performed the track maintenance work in question."

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