

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 85  
Case No. 85

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

CSX Transportation, Inc. (formerly the Chesapeake and  
Ohio Railway Company)

STATEMENT OF CLAIM:

Claim of the **System** Committee of the Brotherhood that:

1) The Agreement was violated when the Carrier assigned junior Equipment Operator W. W. Maynard to operate equipment at Shelby, Kentucky on January 22 through February 16, 1996, instead of assigning **Mr.** E. E. Lucas who was senior and available to perform said work [System File C-TC-62.83/12(96-0670) COS].

2) As a consequence of the aforesaid violation, Claimant E. E. Lucas shall be compensated one hundred sixty (160) hours' pay at the equipment operator's straight time rate and twenty-four (24) hours' pay at the equipment operator's 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 Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act, as amended,; and

2. That the Board has jurisdiction over this dispute.

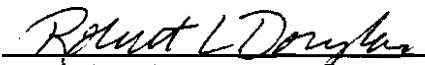
OPINION OF THE BOARD:

The parties indicated that they had agreed to settle the instant dispute. As a result, the Award shall indicate that the **Claim is** dismissed.

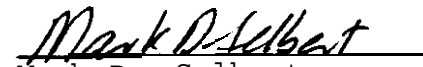
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AWARD:

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

  
Robert L. Douglas  
Chairman and Neutral Member

  
Donald D. Bartholomay  
Employee Member

  
Mark D. Selbert  
Carrier Member

Dated: 5/14/01