

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 313
Case No. 313
File No. 247-7429

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute: Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

**Statement
of
Claim:**

"Carrier violated the current working Agreement, especially Rule 12, when Trackman J. D. Davis was assessed a thirty-day deferred suspension following formal investigation held at North Little Rock, Arkansas, on May 12, 1986."

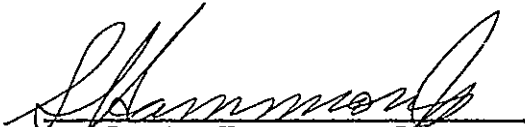
"The thirty-day deferred suspension assessed against Mr. Davis' personal record should now be removed."

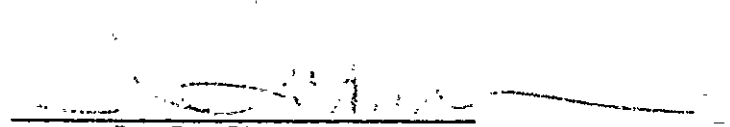
Findings:


The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The Board has been presented with evidence that Claimant resigned his employment with Carrier and by so doing waived any and all claims arising under the labor contract which were either pending on the property or progressed to a tribunal, such as this Board, for final adjudication. This Board lacks substantive jurisdiction to decide the matter.

Award: Claim dismissed per findings.


S. A. Hammons, Jr.
Employee Member


J. J. Shannon
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988