

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 315
Case No. 315
File No. 860048

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 on October 3, 1986, former Track Foreman F. A. Contreras was dismissed from the service.

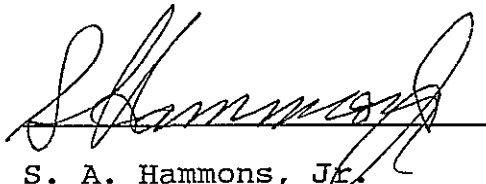
Claimant Contreras shall now be allowed eight hours each workday, including any holidays falling therein, beginning September 15, 1986, continuing until reinstated to service with pass and vacation rights unimpaired."


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 signed a Probationary Reinstatement Agreement which provides, inter alia, waiver of any and all claims for lost wages and benefits during his suspension from Carrier's service beginning September 15, 1986. Therefore, given that Claimant has fully released the Carrier from all liability, there is no dispute properly before this Board.

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