

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 333
Case No. 333
File No. 870182

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 Agreement, especially Rule 12, when B&B employe A. Muniz was dismissed from the service on December 10, 1986.

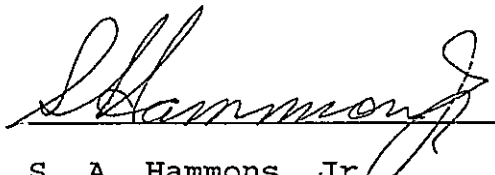
Claimant Muniz should now, therefore, be allowed compensation for time lost from December 10, 1986 until reinstated with all past privileges, vacation and seniority rights unimpaired."

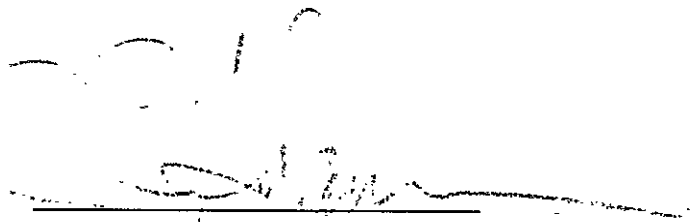
Findings:

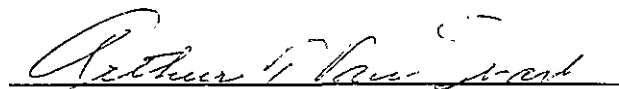
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

The Board has been presented with evidence that Claimant, on February 3, 1988 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 does not have substantive jurisdiction to decide a matter that is not in dispute.

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