

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 337
Case No. 337
File No. 870019

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 Trackman J. L. Walker was dismissed from the service on November 11, 1986.

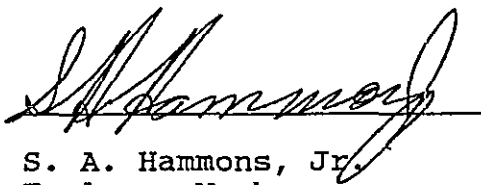
Claimant Walker should now, therefore, be allowed compensation for time lost from November 12, 1986 until reinstated with all past privileges, vacation and seniority rights unimpaired."


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 a Release and Resignation executed by the Claimant, on October 21, 1987, which fully releases the Carrier from any and all claims, causes of action, and liabilities of any kind or nature arising out of his employment with the Carrier. Hence, given that the Claimant has fully released the Carrier from all liability and resigned his employment, there is nothing for this Board to decide. The Board lacks substantive jurisdiction to render a decision in the matter.

Award: Claim dismissed as per findings.


S. A. Hammons, Jr.
Employee Member


~~D. A. RING~~
~~J. J. Shannon~~
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: March 10, 1989