

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 374
Case No. 374
File No. 871211G

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 Lionel Johnson was dismissed from the service.

Claim in behalf of Trackman Johnson for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him had he not been dismissed. Claim beginning November 2, 1987 and continuing until he is reinstated to service with seniority and vacation and all other 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.

We first consider the threshold issue of whether or not the Board has jurisdiction to review the merits of this case.


The Board has been presented with evidence that Claimant was reinstated to service after signing a Probationary Reinstatement Agreement dated April 4, 1989, which provides, *inter alia*, waiver of any and all claims for lost wages beginning November 2, 1987.

Given that Claimant has been reinstated to service and fully released the Carrier from all wage loss liability, there is no dispute properly before this Board; therefore, the claim must be dismissed for want of jurisdiction.

Award: Claim dismissed per findings.


S. A. Hammons, Jr.
Employee Member


D. A. Ring
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the 19 day of July, 1989
at Washington, D.C.