

SPECIAL BOARD OF ADJUSTMENT NO. 287

PARTIES:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
THE BALTIMORE AND OHIO RAILROAD COMPANY

AWARD IN DOCKET NO. 7

STATEMENT "Claim of the System Committee of the Brotherhood that:
OF CLAIM:

(1) The Carrier violated the Agreement when, at the close of business on February 17, 1956, it abolished a position of Lampman held by Wade G. Jenkins, and in lieu thereof, arbitrarily established a dual position of Lampman-Crossing Watchman, which is not permitted under Agreement rules.

(2) The Carrier shall immediately discontinue the dual position of Lemman-Crossing Watchman.

(3) The position of Lampman should be restored and that Wade G. Jenkins and all other employees adversely affected by the abolishment of this position should be restored to their former status and be reimbursed for any monetary loss sustained by reason of the violation referred to in Part (1) of this claim.

(Note - Monetary claim is retroactive to March 29, 1956)".

FINDINGS: A careful reading of this record leads us to conclude that while it is the Organization's position that the applicable agreement does not permit the combination of positions such as here involved, and Carrier believes its action is fully supported by Rules 17 (e-1) and 28, the fact remains that under these circumstances Carrier's action was not specifically violative of Claimant's rights, nor did it cause him to suffer any monetary loss.

We will, therefore, remand parts (1) and (2) of this claim to the parties for adjustment.

Part (3) of the claim is dismissed.

AWARD

Parts (1) and (2) remanded to the parties for adjustment.

Part (3) dismissed.

(s) Edward A. Lynch
Edward A. Lynch
Chairman

(s) A. J. Cunningham
A. J. Cunningham
Employee Member

(s) T. S. Woods
T. S. Woods
Carrier Member

Dated at Baltimore, Maryland,
this 28th day of March, 1960.