

NATIONAL MEDIATION BOARD, ADMINISTRATOR  
SPECIAL BOARD OF ADJUSTMENT NO. 957

In the Matter of the Arbitration

-between-

Brotherhood of Maintenance of  
Way Employes

-and-

Southeastern Pennsylvania  
Transportation Authority

OPINION AND AWARD

Award No. 268

Award No. 270

In accordance with the agreement In effect between the  
above-named parties, the Undersigned was designated as the  
~~Chairman and Neutral Member of the SEPTA-BMWE Public Law Board~~  
(the Board) to hear and decide the following Claim:

1. The Carrier violated the Agreement when it transferred Mr. N. Caputa from the Facilities Track Department to a First Class Carpenter position in the Facilities B&B Department on June 30, 2003 (SEPTA Grievance 03-030-F11).
2. As a consequence of the violation referred to in Part (1) above, Mr. N. Caputa shall now be removed from the First Class Carpenter position and returned to his former track general helper position and be removed from the Facilities B&B Roster.

A hearing was held in Philadelphia, Pennsylvania on June 26, 2007 at which time the representatives of the parties appeared. All concerned were afforded a full opportunity to offer evidence and argument and to examine and cross-examine witnesses consistent with the relevant procedures that exist between the parties. The Board met in Executive Session after the hearing.

FINDINGS OF FACT AND OPINION OF THE BOARD

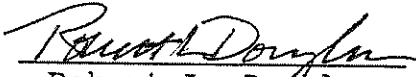
The record indicates that the present dispute arose in

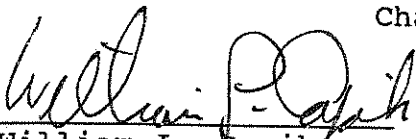
connection with a disputed transfer of the Claimant. The Organization challenged the action. The Carrier maintained that the transfer occurred in a proper manner pursuant to the relevant agreement between the parties. The parties failed to resolve the matter during the preliminary steps of the grievance procedure. The dispute proceeded to arbitration for a final and binding determination.

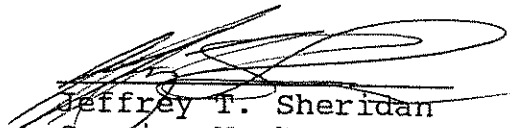
During the hearing the parties indicated that they wanted an additional opportunity to attempt to resolve the matter. The Board supports these efforts with the understanding that the matter shall be held in abeyance and shall be re-scheduled for the next time that this Board convenes if the parties fail to resolve the matter. The Board therefore will remand the Claim to the parties for such further action.

Accordingly, the Undersigned, duly designated as the Chairman and Neutral Member of the SEPTA-BMWE Public Law Board and having heard the proofs and allegations of the above-named parties, makes the following AWARD:

The Claim is remanded to the parties in accordance with the Opinion of Board.

  
Robert L. Douglas  
Chairman and Neutral Member

  
William L. Capik  
Employee Member  
Concurring/Dissenting

  
Jeffrey T. Sheridan  
Carrier Member  
Concurring/Dissenting

DATED:

9/06/07