

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 5
Case No. 5

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

CSX Transportation, Inc. (Former Louisville and
Nashville Railroad Company)

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Agreement was violated when the Carrier assigned Roadmaster L. D. Smith or Assistant Roadmaster T. W. Long to perform track repairman's duties on January 4, 7, 11, 12, 14, 15, 18, 22, and 31, 1993, instead of assigning Mr. D. W. England [System File 14(7)(93)/12(93-0369) LNR].

2. The Agreement was violated when the Carrier assigned Roadmaster L. D. Smith or Assistant Roadmaster T. W. Long to perform track repairman's duties on March 4, 11, 12, 14, 18, 22, 25 and 29, 1993 instead of assigning Mr. D. W. England [System File 14(24)(93)/12(93-0620) LNR].

3. As a consequence of the violation referred to in Part (1) above, Claimant D. W. England shall be allowed sixty-four (64) hours' pay at his respective straight time rate and eight (8) hours' pay at his respective time and a half rate.

4. As a consequence of the violation referred to in Part (2) above, Claimant D. W. England shall be allowed fifty-six (56) hours' pay at his respective straight time rate and eight (8) hours' pay at his respective time and a half rate.

FINDINGS:

This Board, upon the whole record and all of the evidence,

finds and holds as follows:


1. That the Carrier and the Employees involved in this dispute are, respectively, Carrier and Employees within the meaning of the Railway Labor Act, as amended,; and
2. That the Board has jurisdiction over this dispute.

OPINION OF THE BOARD:


The submission in the present dispute includes a document that the Claimant executed on November 4, 1997. The document, titled "Settlement and Final Release of All Claims," applies to the present matter. As a result of the release, the Board lacks jurisdiction to consider the merits of the present claim.

AWARD:


The Claim is dismissed in accordance with the Opinion of the Board.



Robert L. Douglas
Chairman and Neutral Member



Donald D. Bartholomay
Employee Member



Patricia A. Madden
Carrier Member

Dated: February 19, 1999