

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 6
Case No. 6

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 Foreman D. S. Devault to perform track inspection duties at Mile Post 111.5 on the Memphis Subdivision on March 1, 1994, instead of calling and assigning Mr. D. W. England who regularly performs such work during his assigned work week [System File 14(25)(94)/12(94-0717) LNR].

2. As a consequence of the violation referred to in Part (1) above, Claimant D. W. England shall be allowed three (3) hours' pay at his respective time and one-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

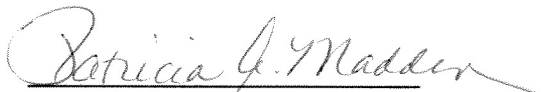
"Settlement and Final Release of All Claims," applies to the present matter. As a result of the release, the Board lacks jurisdiction to consider the merits of the present claim.

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