

SPECIAL BOARD OF ADJUSTMENT 1110

Award No. 85
Case No. 85

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

CSX Transportation, Inc. (formerly the Chesapeake and
Ohio Railway Company)

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1) The Agreement was violated when the Carrier assigned junior Equipment Operator W. W. Maynard to operate equipment at Shelby, Kentucky on January 22 through February 16, 1996, instead of assigning Mr. E. E. Lucas who was senior and available to perform said work [System File C-TC-6283/12(96-0670) COS].

2) As a consequence of the aforesaid violation, Claimant E. E. Lucas shall be compensated one hundred sixty (160) hours' pay at the equipment operator's straight time rate and twenty-four (24) hours' pay at the equipment operator's 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 Employee involved in this dispute are, respectively, Carrier and Employee within the meaning of the Railway Labor Act, as amended,; and

2. That the Board has jurisdiction over this dispute.

OPINION OF THE BOARD:

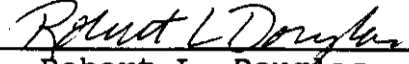
The parties indicated that they had agreed to settle the instant dispute. As a result, the Award shall indicate that the Claim is dismissed.


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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


Mark D. Selbert
Carrier Member

Dated: 5/14/01