

SPECIAL BOARD OF ADJUSTMENT NUMBER 279

Award Number 257
Case Number 257
File Number 247-6960

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Union Pacific Railroad Company

Statement
of
Claim:

"Carrier violated Agreement Rules 2 and 11 when B&B Subdepartment employe Paul Ingram was assigned as Assistant B&B Foreman on Gang 2024 effective November 14, 1984, under Bulletin No. 428-A instead of Claimant Ronald Hutchins who also made application to the position.

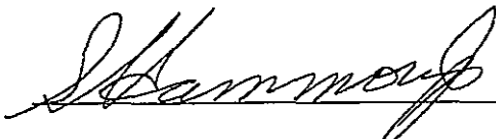
Claimant Hutchins should now be allowed the difference in rate of pay between that of an Assistant B&B Foreman and First Class Ironworker beginning November 14, 1984, and continuing until Claimant is assigned to the position of Assistant B&B Foreman as bulletined in Bulletin No. 428, and given a seniority date just ahead of Mr. Ingram of November 14, 1984 as Assistant B&B Foreman."

Findings:

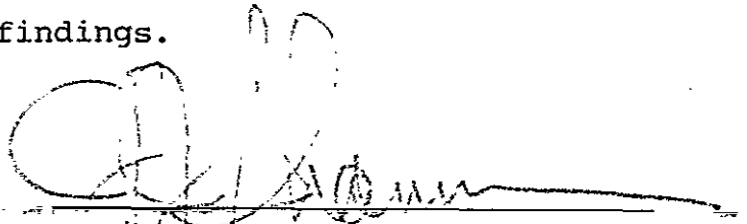
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The Board has been presented with a signed copy of a letter between the parties dated May 19, 1987, disposing of the claim. Hence, given that the dispute has been settled on the property, there is nothing for this Board to decide. This Board lacks substantive jurisdiction to decide the matter.

Award: Claim dismissed as per findings.



S. A. Hammons, Jr.
Employee Member



J. J. Shannon
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: _____

