

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 268
Case No. 268
File No. 247-7048

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

Statement
of
Claim:

"Carrier violated Agreement Rule 12 when it dismissed Motor Operator D. T. Johnson on August 16, 1985.

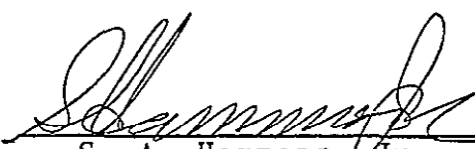
"Claimant Johnson shall now be reinstated to his former position with seniority, pass and vacation rights unimpaired."

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 evidence that Claimant, on May 18, 1987, resigned his employment with Carrier and by so doing waived any and all claims arising under the labor contract which were either pending on the property or progressed to a tribunal, such as this Board, for final adjudication. This Board lacks substantive jurisdiction to decide the matter.

Award: Claim dismissed per findings.


S. A. Hammons, Jr.
Employee Member


J. J. Shannon
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988