

SPECIAL BOARD OF ADJUSTMENT NUMBER 279

Award Number 271  
Case Number 271  
File Number 247-7069

Parties Brotherhood of Maintenance of Way Employes  
to and

Dispute: Union Pacific Railroad Company

Statement  
of  
Claim:

"Carrier violated Agreement Rules 2 and 3 when junior Track Subdepartment employee Aron Jones was retained on Gang 5412, on June 14, 1985, while senior employe J. D. Billingsley was displaced from the same gang.

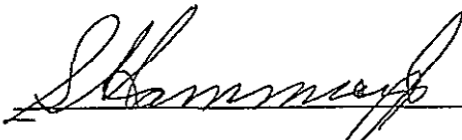
Claimant Billingsley should now be allowed eight (8) hours each work day, including any overtime worked by Trackman Jones and any holidays falling therein, beginning June 14, 1985, and continuing so long as Mr. Jones is retained on Gang 5412 to the exclusion of Claimant J. D. Billingsley"


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 July 22, 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: July 28, 1988