

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 291
Case No. 291
File No. 247-7189

Parties Brotherhood of Maintenance of Way Employees
to and

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

Statement
of
Claim:

"Carrier violated the current working agreement, especially Rule 12, when Trackman R. J. Coleman was dismissed from service effective January 15, 1986.

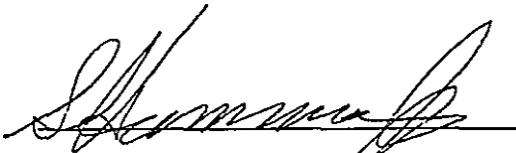
Claimant Coleman should now be allowed eight hours' pay for each workday, including any holidays and overtime which would have accrued to him beginning December 6, 1985, and continuing until reinstated to service with seniority, pass and vacation rights unimpaired."

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 a release executed by the Claimant, on September 1, 1987, which fully releases the Carrier from any and all claims, causes of action, and liabilities of any kind or nature arising out of his employment with the Carrier. Hence, given that the Claimant has fully released the Carrier from all liability, 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