

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 314  
Case No. 314  
File No. 860010

**Parties** Brotherhood of Maintenance of Way Employees

**to** and

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

**Statement  
of  
Claim:**

"The Carrier violated the current working Agreement, especially Rule 12, when it assessed Trackman S. G. Estrada's personal record with a sixty (60) day actual suspension."

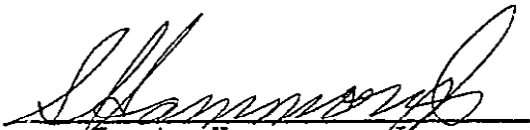
"Trackman Estrada shall now be allowed eight hours each workday, including any holidays falling therein for the sixty (60) day period he was assessed sixty (60) days actual suspension."

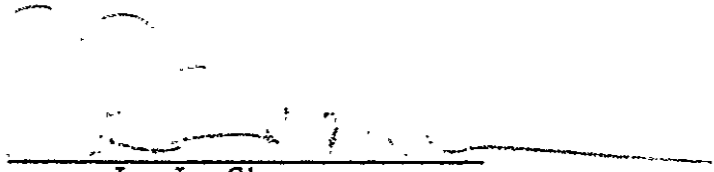
**Findings:**


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 October 22, 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