

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 321
Case No. 321
File No. 247-7300

Parties Brotherhood of Maintenance of Way Employes
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 J. W. Dyer, SSN: 415-98-7600, was dismissed from the service effective May 2, 1986.

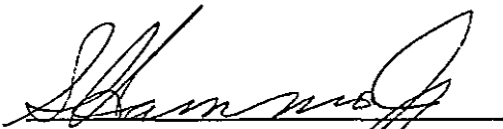
Trackman J. W. Dyer shall now be allowed compensation for all time lost, including any holidays and overtime that have occurred during his suspension as a result of the investigation held in Jefferson City, Missouri, on April 30, 1986."

Findings:

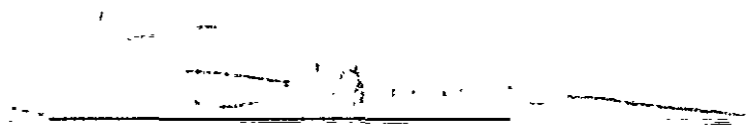
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

The Board has been presented with evidence that Claimant signed a leniency reinstatement agreement on September 12, 1986 waiving any and all claims for lost wages and benefits during his suspension from Carrier's service as a result of an investigation held April 30, 1986. Therefore, given that Claimant has fully released the Carrier from all liability, there is no dispute properly before this Board. The claim fails for lack of substantive jurisdiction.

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 20, 1988