

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 326
Case No. 326
File No. 870591

Parties	Brotherhood of Maintenance of Way Employees
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to and

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

Statement
of
Claim:

"Carrier violated the Agreement, especially Rule 12, when Trackman R. C. Escribano was dismissed from the service on March 11, 1987."

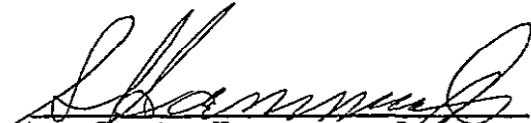
"Claimant Escribano should now, therefore, be allowed compensation for time lost from March 11, 1987 until reinstated with all past privileges, vacation and seniority rights unimpaired."

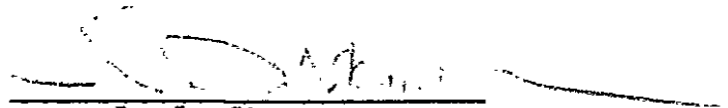
Findings:

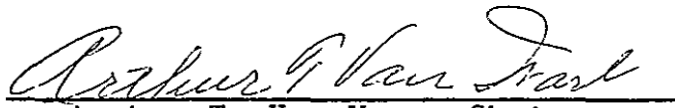
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

The Board has been presented with evidence that Claimant signed a Probationary Reinstatement Agreement which provides, inter alia, waiver of any and all claims for lost wages and benefits during his suspension from Carrier's service beginning March 11, 1987. Therefore, given that Claimant has fully released the Carrier from all liability, there is no dispute properly before this Board.

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