

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 332
Case No. 332
File No. 870484

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 Agreement, especially Rule 12, when Trackman D. W. Johnson was dismissed from the service on January 15, 1987.

Claimant Johnson should now, therefore, be allowed compensation for time lost from January 15, 1987 until reinstated with all past privileges, vacation and seniority rights unimpaired."

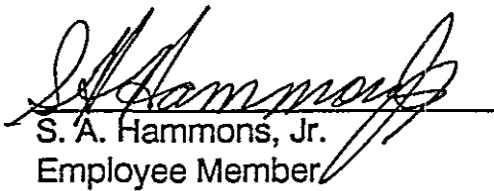
Findings:

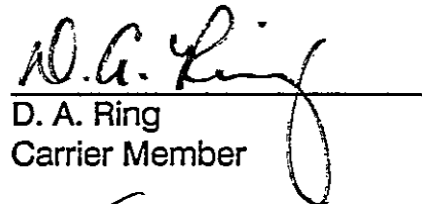
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this

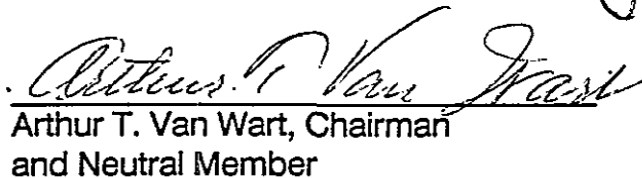
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The Board has been presented with evidence that Claimant, on August 3, 1988 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 does not have substantive jurisdiction to decide a matter that is not in dispute.

Award: Claim dismissed per findings.


S. A. Hammons, Jr.
Employee Member


D. A. Ring
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the 10th day of March, 1989
at Orlando, Florida.