

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 368
Case No. 368
File No. 870810

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 Track Foreman D. R. Eastridge was dismissed from the service.

Claim in behalf of Track Foreman Eastridge for his return to service with all pay for wage loss suffered and restore his seniority, vacation and all other rights unimpaired."

Findings:

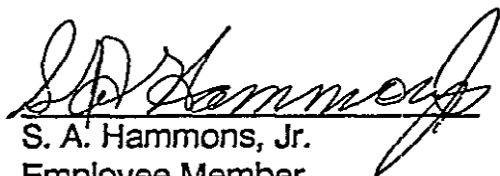
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this

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.

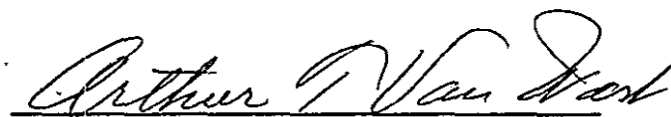
A review of the record in this case reveals that Claimant Eastridge was returned to service under terms of a leniency reinstatement agreement dated December 9, 1988 which waived, any and all, claims for wages and benefits lost during his disciplinary suspension following investigation held on September 16-17, 1987.

Since the leniency reinstatement agreement fully releases Carrier of all liability comprehended by this claim, there is no dispute or controversy properly before the Board for adjudication. The claim is dismissed for lack of jurisdiction.

Award: Claim dismissed as 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 Tampa, Florida