

SPECIAL BOARD OF ADJUSTMENT NO. 605

PARTIES) Brotherhood of Railroad Signalmen
TO) and
DISPUTE:) The Chesapeake and Ohio Railway (Chesapeake District)

QUESTION

AT ISSUE: Is W. W. Stewart, Huntington Division employe, Identification No. 245708, entitled to the benefits contained in Section 10 of the Washington Job Protection Agreement and five (5) working days off with pay in accordance with the provisions of the February 7, 1965 Mediation Agreement and the Interpretations of November 24, 1965 of that Agreement?

OPINION

OF BOARD: In order for Claimant to prevail, it must first be shown that the abolishment of his position was a "technological, organizational, or operational change" as required by Section 1, Article III of the February 7 Agreement.

Award No. 7 of this Board has held that an abolished position is "neither a technological, organizational nor operational change within the meaning and intent of Section I of Article III of the February 7, 1965 Mediation Agreement. Since the change is neither technological, organizational nor operation, no moving expenses are allowable."

This Board is not prepared to hold that award palpably erroneous, and is bound thereby.

AWARD

The answer to this Issue to be Resolved is in the negative.


Nicholas H. Zumas
Neutral Member

Dated: Washington, D.C.
May 26, 1969

*Dissent follows
Award 77*