

**ORGANIZATION MEMBER'S DISSSENT TO DECISION NO. 6024  
OF  
SPECIAL ADJUSTMENT BOARD NO. 18**

The organization dissents to the majority in Decision 6024. Contrary to the majority's opinion (found in the award's penultimate paragraph on page two), the organization does not recognize "that Decision No. 5198 is dispositive as to the facts and issues. . . ."

The primary issue before the Board is the preservation of the organization's contractually mandated order of call, and the penalty(s) due the rested and available ground service employees when the order is not followed. The following articles of our collective bargaining agreement clearly articulate the referenced order of call, as well as stipulating the requested penalty: Article 23, Section C, items one and four, Article 46, Section E, item three, and Article 53, Section C.

Moreover, at page 13 of the organization's brief to Decision 6024, we plainly state "Decision 5198 is not dispositive of the threshold issue in the instant claim" (emphasis contained in original). Immediately thereafter, we quote the last paragraph from Decision 5198, wherein Referee Seidenberg states:

The Board finds that the Decisions cited by both parties are not truly responsive to the issue of run around for extra board trainmen under the facts of the case. The Board also cannot treat as dispositive the settlements cited by both parties. Neither party has cited any definitive ruling in support of its position. Since the Board has found that the cited contract provisions do not support the Organization's position, the Board has no recourse but to deny the claim.

We assert that the above language clearly and unambiguously indicates that Referee Seidenberg did not find the citations offered by the partisan parties to be dispositive of the issues raised in Decision 5198. Consequently, we believe the majority's reliance on the assertion of stare decisis is patently misplaced. Therefore, we conclude that our agreement provisions (specified above) continue to await interpretation within the context of our contractually mandated order of call.

For the organization:

*Daniel E. Johnson*  
Daniel E. Johnson  
General Chairperson, UTU(T&S)

Burlingame, California  
June 12, 1995