

PUBLIC LAW BOARD NO. 3539

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

versus

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee that:

"Claim of Track Foreman M. Tezano for 8 hours pay each work day and holiday as well as as any over-time beginning October 3, 1983, and continuing until reinstated to service with seniority, pass, and vacation reights unimpaired because of Rule 12 being violated.

FINDINGS:

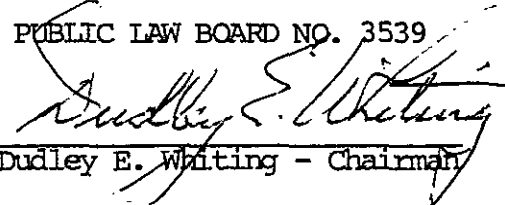
The evidence of the investigation shows a violation by claimant of Rule 145(a). His testimony that his brakes wouldn't hold is negated by the testimony of the mechanic who examined the motor car and found nothing wrong with the brakes.

It appears that claimant was reinstated on June 29, 1984 and the Carrier asserts that he had previously refused offers of reinstatement upon admission of his responsibility. Under these circumstances, there is no merit in the claim.

AWARD:

Claim denied.

PUBLIC LAW BOARD NO. 3539


Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


W. E. Naro
Carrier Member

November 1, 1984

File: 310-580