

SPECIAL BOARD OF ADJUSTMENT (P.L. BOARD) NO. 39

Award No. 12
Case No. 225

PARTIES TO THE DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Spokane, Portland and Seattle Railway Company (System Lines)

STATEMENT OF CLAIM: "Claim of the System Committee of the
Brotherhood that:

- (1) a. The Carrier violated the effective Agreement on January 21, 1966, and continues to violate it by failing to permit Mr. Casimiro Perez to return to work following his release from the doctor after sustaining an on-duty injury.
- b. The dismissal of Mr. Casimiro Perez on February 4, 1966 was also in violation of the Agreement.
- (2) Mr. Casimiro Perez now be restored to service without loss of seniority rights and other benefits, his record be cleared of any charges and that he be compensated for all earnings lost because of the violations referred to above."

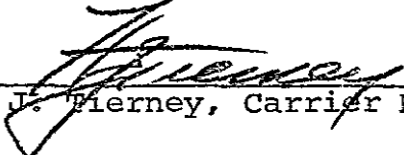
FINDINGS:

The Board, upon the whole record and all the evidence, finds that:

The rules relied upon, when applied to the facts of record, do not support an affirmative award.

AWARD: Claim denied.


J. P. Wilson, Employee Member


H. J. Tierney, Carrier Member

Portland, Oregon
August 10, 1967