

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 10

STATEMENT OF THE CLAIM

C.O. Price was improperly dismissed.

OPINION OF THE BOARD

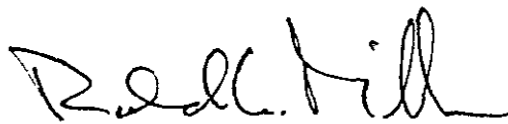
The Claimant, Mr. C.O. "Neil" Price, was dismissed from employment with the Carrier for performing duties for a private contractor while he was being paid to perform duties as a flagman for the Carrier. Mr. Price does not deny operating the contractor's equipment, but he contends that he did not neglect his flagman duties.

At several points in his testimony, Mr. Price acknowledges operating the contractor's equipment while he was on duty as a flagman and being paid by the Carrier. Because of his years of service as an employee of the Carrier, including being a foreman, Mr. Price knew or should have known that it was improper for him to perform duties for the contractor while in pay status for the Carrier. The record is clear, Mr. Price neglected his assigned Carrier duties during the times he operated the contractor's equipment.

We find no basis for leniency in this matter. Mr. Price was provided a fair and impartial hearing.

AWARD

Claim denied.



Ronald L. Miller
Chairman and Neutral Member



J.S. Gibbins
Carrier Member



D.B. Bartholomay
Organization Member

21 June 1988

Date