

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT  
OF CLAIM:

Claim of the System Committee that:

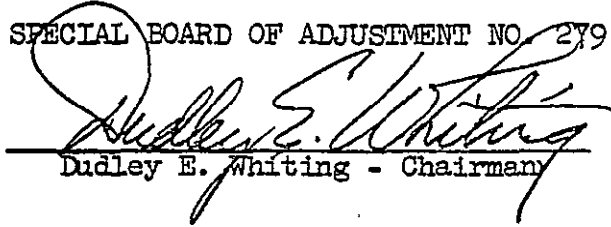
1. The Carrier violated the effective Agreement as of February 17, 1971, by improperly and arbitrarily dismissing from its service without sufficient cause, Trackmen Duane A. Whitis, Dwight E. Fletcher, Burnice L. Bundy, James E. Malone and Willie L. Stepney, members of Track Gang #14.
2. Claimants be returned to service with all seniority rights, pass privileges and vacation rights unimpaired as well as restoration of all other rights and privileges accruing to them which would have been theirs under the provisions of the various Agreements if they had not been dismissed from the service of the Carrier on February 17, 1971.
3. Claimants be paid for all time lost from February 2, 1971, (the date taken out of service) and continuing until the date they are returned to service.
4. Carrier shall pay Claimants 6% interest per annum on the monetary allowance accruing from the initial claim date until paid.

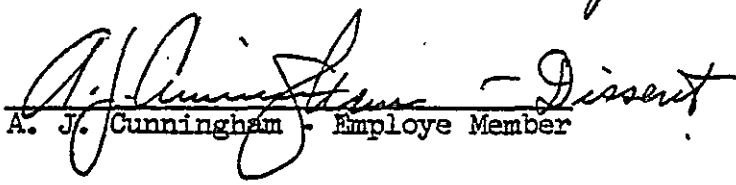
FINDINGS: The claimants assert that they left work at noon on February 2, 1971, by permission or with the consent of the foreman. It is inconceivable that the foreman gave them permission to leave because of the presence on the job of the roadmaster and the evidence that he told that foreman to tell the men they could not leave early and if they did they would be pulled out of service.


Being unable to credit the testimony of the claimants, we are constrained to deny the claim.

AWARD: Claim denied.

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Dudley E. Whiting - Chairman

 - Dissent  
A. J. Cunningham - Employee Member

  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
September 29, 1972

File: 247-4856