

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:

"We feel the Carrier's dismissal of Trackman Johnnie Cunningham was too severe and the penalty excessive and we are requesting the carrier shall now reinstate Mr. Cunningham to service on a leniency basis with all rights unimpaired, but without pay for time lost."

FINDINGS:

This is a claim for leniency. NRAB awards have consistently held that the board is without authority to entertain such claims.

Moreover, it appears that the Carrier herein offered reinstatement on a leniency basis and that the claimant rejected it.

AWARD:

Claim dismissed.

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Dudley E. Whiting
Dudley E. Whiting - Chairman

A. J. Cunningham
A. J. Cunningham - Employee Member

G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
May 10, 1973
File: 247-4691