

AWARD NO. 159
DOCKET NO. 159

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

versus

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the Committee that:

1. Carrier violated the effective Agreement when Machine Operator L. C. Wallis was unjustly assessed thirty (30) days' actual suspension from April 21 to May 21, 1979.
2. Claimant Wallis shall now be paid for lost time suffered on account of suspension, and his record be cleared of charge.

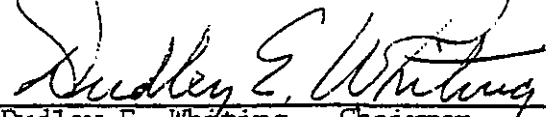
FINDINGS: Rule 144 (b) requires "consideration" of flagging under stated conditions and prior practice may well be a proper factor in the evaluation of compliance therewith.

It appears that the hearing officer did not permit an answer to a question thereon posed to the roadmaster by the organization representative. We are constrained to find that this denied a fair and full hearing to the claimant, so his claim must be sustained.

Under the provisions of the Agreement and our prior awards earnings in other employment and unemployment insurance received during the time lost is to be deducted in calculating pay for time lost.

AWARD: Claim sustained in accordance with the findings.

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Dudley E. Whiting - Chairman


M. A. Christie - Employee Member


L. D. Brown - Carrier Member