

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

1. Carrier violated the effective Agreement when Welder Helper W. L. Wheeler was unjustly dismissed by notice dated October 22, 1980.

Claimant Wheeler shall be reinstated with seniority rights, pass privileges, vacation rights unimpaired, as well as his restoration of all other rights and privileges accruing to him, which would have been his under the provisions of various agreements if he had not been dismissed from the service of the Carrier October 22, 1980, and be paid for loss of wages suffered from October 22, 1980, claim to run concurrently until Mr. Wheeler is returned to his job.

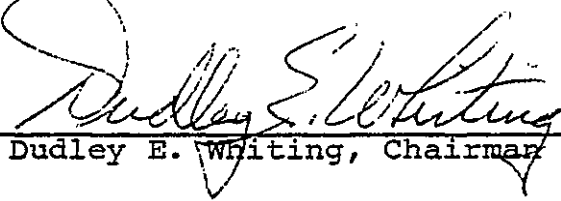
FINDINGS:


Under the circumstances shown, the welder helper cannot be held to the same degree of responsibility as the welders in charge. It appears that one of the welders took the responsibility of reporting the fire to the agent and the dispatcher, and who released the track permitting the passage of the train. Meanwhile, the helper was engaged in fighting the fire.


AWARD:

Claim sustained.

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Dudley E. Whiting, Chairman


M. A. Christie, Employee Member


L. D. Brown, Carrier Member

New Orleans, Louisiana
November 18, 1981
File 247-6106