

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement December 21, 1981, because Carrier failed to furnish Trackman W. Fair, Jr., System Rail Gang 6801, five days' advance notice that his job was to be abolished.
2. Claimant shall now be allowed forty hours at his straight time rate.

FINDINGS:

There is no dispute that claimant was not given the notice of abolishment of his position as required by Rule 3(b). The carrier contends that claimant suffered no actual loss of work. It is implicit in this rule that carrier will give the notice required or pay for the days involved.

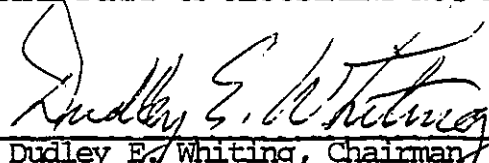
It should be noted that work days for such notice pertains to scheduled days whether actually worked by the employee or not.

It appears that claimant received the notice on December 30, 1980 and was paid through December 31 so his claim is valid for only four days.

AWARD:

Claim sustained for four days pay.

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Dudley E. Whiting, Chairman

  
M. A. Christie, Employ Member

  
L. D. Brown, Carrier Member