

Award No. 185  
Docket No. 185

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT  
OF CLAIM:

1. Carrier violated the agreement on September 1, 1981, when Trackmen C. B. Ross and J. H. Thomas, Kingsville Division, were dismissed for refusal to comply with instructions to change a flat tire on the gang truck on July 16, 1981.
2. Claimants shall now be allowed pay at their straight time rate during the period July 17, 1981 until September 1, 1981.

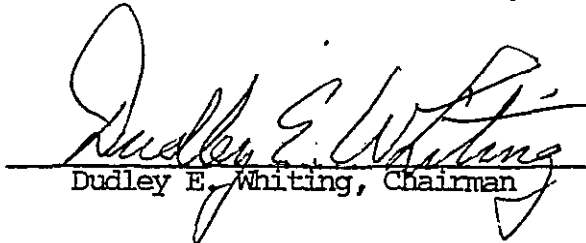
FINDINGS:

While there is a conflict in the evidence adduced at the investigation, we are obliged to find that there was evidence which supports the charge. Considering the prior discipline record and relatively short service of the claimants, dismissal was not an excessive penalty so the claim is not sustainable.

AWARD:

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

  
Dudley E. Whiting, Chairman

  
M. A. Christie, Employee Member

  
L. D. Brown, Carrier Member

San Antonio, Texas  
January 14, 1983  
File 247-6360