

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee that:

- "(1) Carrier violated the agreement on April 20, 1982, when Work Equipment Mechanic V. W. Collins, Eastern District, was dismissed for his alleged unauthorized possession of Carrier property at Route 1, Box 14 'K,' Bald Knob, Arkansas, on April 8, 1982.
- (2) Claimant shall now be reinstated to service with seniority and all other rights unimpaired and paid for all wages lost beginning April 20, 1982."

FINDINGS: At the investigation the claimant stated that his possession of railroad property was authorized by long accepted practice. While there may be some question whether the amount of some items and the inclusion of others was comprehended by the practice shown, in a case of this nature the claimant is entitled to the benefit of any doubt, particularly in view of his long service and prior good record.

It appears that claimant cannot be reinstated to service because he was directed to report for service on July 5, 1983 but did not and he was subsequently terminated for failure to report for duty.

Accordingly, only the claim for lost pay from April 20, 1982 to July 5, 1983 is sustained, and under the agreement that is subject to deduction of earnings in other employment and unemployment compensation received during that time period.

AWARD: Claim sustained to the event stated in the findings.

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Dudley E. Whiting
Dudley E. Whiting - Chairman

M. A. Christie
M. A. Christie
Employee Member

W. E. Naro
W. E. Naro
Carrier Member

March 9, 1984

File: 247-6387