

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

versus

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee that:

- "1) Carrier violated the agreement on November 9, 1982, when Track Foreman I. Phillips and Trackmen S. Phillips and D. M. Hamann, St. Louis Terminal, were dismissed from service for allegedly violating Rule G.
- 2) Claimants shall now be paid for all time lost during period November 9, 1982 to February 9, 1983, when they were reinstated to service on a leniency basis."

FINDINGS:

While there was conflict between the testimony of the claimants and a special agent at the investigation, the Carrier's decision to act upon the testimony of the Special Agent that he saw the claimants drinking from a gin bottle on Company premises is not unreasonable, particularly in view of their breaking of the bottle to prevent its use as evidence.

The length of their suspension until reinstatement on a leniency basis is not wholly unreasonable so there is no basis for the claim

AWARD:

Claim denied.

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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

November 1, 1984

File: 247-6501