

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 December 3, 1982, when Track Foreman P. Williams, DeQuincy Division, was assessed 60 days' actual suspension for his allegedly failing to prepare his time rolls for the roadmaster as instructed; failure to comply with instructions to change out stock rail at the south end of DuPont pass; and for being tardy without proper authority.
- 2) Claimant shall now be paid for all time lost during the period he was suspended from service."

FINDINGS:

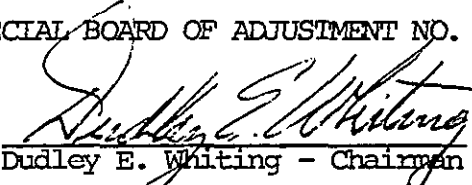
The provision of Rule 12, Section 1(b) for advice of the precise charge in writing does not preclude the incorporation of more than one charge in a notice of investigation, so long as each of such charges is precisely stated to enable the employee to be fully prepared for his investigation.

While there is some conflict in the testimony of claimant and the roadmaster at the investigation, the roadmaster's testimony supported the charges and we have no means for the reevaluation of the credibility issue, so we are constrained to deny the claim.

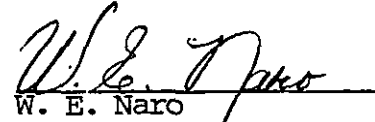
AWARD:

Claim denied.

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Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


W. E. Naro
Carrier Member

November 1, 1984

File: 247-6569