

AWARD NO. 38
Docket No. 38

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 of the Brotherhood that:

(1) "The Carrier violated the effective Agreement by failing to provide a bunk car for B&B Gang No. 1, Palestine Division, during the period of August 3 to August 23, 1958.

(2) The Carrier now allow Assistant Foreman F. W. Yarbrough, Carpenters W. H. Carlile, G. W. Yarbrough, O. M. Yarbrough, T. Hester, and Carpenter Helpers W. L. Tennison and C. W. Itson, the amount of their expenses, as claimed, incurred during the period referred to in Part 1 of this Claim."

FINDINGS: On August 3, 1958, there was a small fire in a bunk car assigned to B&B Gang No. 1 and it was away for repairs until August 21. From the evidence presented, it appears that most of the claimants lived in the vicinity where they were working during that period, did not use the bunk car before the fire, and used it only when working south of Mart. From the evidence it also appears that two of the claimants stayed in the sleeping part of a combination kitchen car and there is no evidence in this docket that anyone incurred any actual expense because of the absence of this bunk car.

The rules make no provision for the Carrier to pay an expense allowance if a bunk car is not available, and on the evidence presented by this docket the claim cannot be sustained.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(s) Dudley E. Whiting
Dudley E. Whiting - Chairman

(s) A. J. Cunningham
A. J. Cunningham - Employee Member

(s) G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
November 3, 1959