

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 refusing to allow Extra Gang Laborer Isaiah Cox to displace in Extra Gang No. 2, Foreman W. J. Dees, on September 2, 1958.
- (2) The Carrier now allow Claimant, Extra Gang Laborer Isaiah Cox, a day's pay for September 2, 3, 4, 5, 8, 9, 10, 11, and 12, at his Extra Gang Laborer's rate of pay, days on which a junior laborer was allowed to work in Extra Gang No. 2 while he was unemployed.

FINDINGS: The evidence in this docket as to what transpired on September 2, 1958, is so conflicting and uncertain that it is impossible to make an award. Accordingly, the claim will be remanded to the parties for disposition.

AWARD: Claim remanded.

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

(s) A. J. Cunningham  
A. J. Cunningham, Employe Member

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

St. Louis, Missouri  
November 4, 1959