

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 assign to B&B Mechanics the work of repairing frost box around water pipes at the north end of Yard C Office Building at Dupo, Illinois, on October 16, 1958.
- (2) B&B Mechanic Paul Isam be now reimbursed for three (3) hours pay at his respective rate account of the violation referred to in Part 1 of this claim.

FINDINGS: This case involves the same incident which was involved in Award No. 28 of this Board. The Employees here contend that the findings of facts in that award was erroneous and point to the statement in a letter by Mr. B. W. Smith to General Chairman L. V. Foster dated February 6, 1959. He there stated that

"The facts in this case indicate that a small frost box (approximately 20" x 18" x 12") which rested 2" under the top of the ground was so badly broken from deterioration that the Water Service employes renewed the box in its entirety with short lengths of lumber secured from the Car Department at Dupo."

The findings in our Award No. 28 were predicated upon the statement of the division engineer quoted by the Carrier and division superintendent quoted by the Employees, and we felt that those local officials were probably better informed of the facts than Mr. Smith. However, Mr. Smith certainly has the authority to propose the basis for determination of the issue and we find that the renewal of this small frost box by Water Service employes was wholly incidental to the water service repairs they were making. That is true because they could not get at the pipes without removal of this small frost box and could not leave the job in the condition they found it without properly renewing and reassembling the badly broken frost box.

AWARD: Claim denied.

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(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 5, 1959