

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 retain senior B&B Helper J. E. Thomas in the service of the Carrier in lieu of B&B Helper Marvin Brewer, junior to the Claimant, in December of 1958.
- (2) The Carrier violated the effective Agreement by failing to give proper and timely information to Claimant B&B Helper J. E. Thomas as to the junior employe then in the Carrier's service over whom he had displacement rights in December of 1958.
- (3) The Carrier now reimburse B&B Helper J. E. Thomas for the amount of wages lost between December 2 and December 15, 1958, because of the above referred to violations of the Agreement.

FINDINGS: There is a conflict in the evidence as to whether claimant was mis-handled regarding his displacement rights on December 2, 1958, but in any event the claim is based upon such alleged mishandling. Since the claim was not filed until February 3, 1959, it is barred under the time limit provisions of the Agreement of August 21, 1954.

AWARD: Claim denied.

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

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

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

St. Louis, Missouri
September 7, 1962
File BMWE 39-58