

AWARD NO. 67  
Docket No. 67

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 allow 8 hours' pay to B&B Carpenter B. R. Whitehead as a holiday allowance for January 2, 1959.
- (2) The Carrier further violated the Agreement by failing to allow Carpenter B. R. Whitehead to work on Monday, January 5, 1959, in B&B Gang No. 2.
- (3) The Carrier now compensate B&B Carpenter B. R. Whitehead for 8 hours at the straight time rate of pay for January 2 and 8 hours' pay at the straight time rate of pay for January 5, 1959, a total of 16 hours account of the referred to violation of the Agreement.

FINDINGS: The displacement of claimant by a senior employe, effective January 5, 1959, resulted in loss of holiday pay because he did not have earnings credited on the work day after the holiday. There is no rule requiring notice of displacement within any particular time, and since his failure to work on January 5 was the result of the operation of seniority rules, there is no valid basis for the claim.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(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  
September 7, 1962  
File BMWE 2-59