

AWARD NO. 89
Docket No. 89

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 call Trackman Phillip Bell, Dupon, Illinois, for service on March 26, 1960, at 10:00 p.m.

(2) Trackman Phillip Bell be now compensated at the time and one-half rate for the amount of time worked by his junior commencing at 10:00 p.m. on March 26, 1960, and ending at 7:30 a.m., Sunday, March 27, 1960, account of this violation of Bell's seniority rights.

FINDINGS: The evidence shows the foreman had on previous occasions been unsuccessful in contacting claimant through the telephone number provided by the claimant, but there is no evidence that this fact had been called to claimant's attention. Had claimant been so notified, the Carrier would not be obligated to attempt contact thereby.

Claim is made for 11 hours but it appears that $9\frac{1}{2}$ hours were worked by the junior man, so the claim is not valid beyond that time. Claim is for time and one-half, but under the decisions of the N.R.A.B. can be allowed only at pro rata for time not worked.

AWARD: Claim sustained to the extent stated in the Opinion.

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
September 27, 1962
File 247-3872