

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 127  
Case No. 207

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 6 - Discipline and Grievances, when on August 6, 1975, Laborer Jim Louis, Jr. was improperly dismissed, on improper charge that he was absent from duty without proper authority on July 16, 1975 and each day thereafter to date of dismissal.
- "II. Mr. Jim Louis, Jr. be paid earnings lost, reinstatement to former position with all seniority, insurance, vacation, and all other rights unimpaired."

FINDINGS:

Claimant was charged with being absent without proper authority in violation of Rules M-810 and M-811. After investigation and hearing Claimant was dismissed from service.

A review of this record supports Carrier's finding that Claimant was culpable as charged. However, dismissal from service, particularly in light of Claimant's prior record, was excessive. Accordingly, Claimant is to be returned to service with seniority unimpaired, but with no pay for time lost.

AWARD

Claim disposed of per findings.

M Kumar  
Neutral Member

CB Hoyle  
Carrier Member

M. Chien  
Organization Member

Sept 5, 1979  
Date