

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES)
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"1. Carrier violated the effective Agreement when Track Laborer R. Hawkins, Jr. was unjustly dismissed. (Later reduced to a fifty (50) day suspension.)

2. Claimant Hawkins shall now be reinstated to his former position with all seniority, vacation rights and any other rights accruing to him unimpaired, in addition to his work record being cleared of the alleged charge, all expenses incurred for having to attend the investigation which encompassed five (5) hours pay, \$6.00 meal allowance, and all compensation lost commencing the date that Mr. Hawkins is released by his physician as being able to resume his full duties as track laborer." (MW-85-15-CB-Hawkins; 53-805)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

The record shows that disciplinary action taken by the Carrier was in violation of Section 2 (D) of Article 14, "Discipline and Investigation," of the Schedule of Rules Agreement, which reads as follows:

"No discipline shall be assessed that involves any matter of which the Carrier's head of department had knowledge sixty (60) days or more."

The Claimant was notified by letter dated November 20, 1984 that he was to report for formal investigation concerning violation of Rule M of Carrier's Rules and Regulations for the Maintenance of Way Department in connection with a report submitted on September 21, 1984.

The claim as presented will therefore be sustained, but with payment for any time lost confined to the period Carrier had reduced the penalty of dismissal to a 50-working day suspension and had otherwise provided for Claimant's return to duty on April 1,

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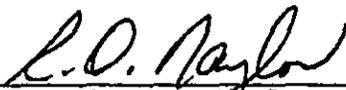
1985, pending release from his doctor.

AWARD:

Claim sustained to the extent set forth in the above Findings.



Robert E. Peterson, Chairman
and Neutral Member



R. O. Naylor
Carrier Member



M. A. Christie
Organization Member

Houston, TX
August 29, 1986