

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES )  
TO )  
DISPUTE )

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"1. Carrier violated the effective Agreement when North of Texarkana seniority Laborer E. L. Jackson was unjustly dismissed from service.

2. Claimant Jackson shall now be reinstated to his former position with pay for all time lost, to begin April 1, 1985 and on a continuing basis, with seniority, vacation and all other benefits due him restored intact." (MW-85-33-CB-Jackson; 53-835)

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.

Except for the fact that Claimant was charged with being accident prone as the result of 10 personal injuries between the period of November 4, 1976 and April 1, 1985, the positions of the parties do not materially differ from those which had been set forth to this Board in Case No. 299 (Award No. 212).

For the same reasons stated in this Board's Award No. 212, we will hold the penalty of discharge harsh and unreasonable, and direct that Claimant be reinstated to service with seniority and other benefits unimpaired, but without payment for time lost.

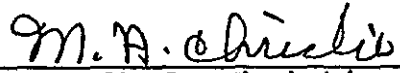
AWARD:

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

  
Robert E. Peterson, Chairman  
and Neutral Member

  
R. O. Naylor  
Carrier Member

Houston, TX  
August 29, 1986

  
M. A. Christie  
Organization Member