

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)	
and)	Case No. 33
St. Louis Southwestern Railway Company)	Award No. 33

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier improperly held out of service J. J. Rock, member of Extra Gang No. 44 during the period October 27 to November 25, 1959.
2. That the Carrier improperly assessed the service record of Extra Gang Laborer J. J. Rock 45 demerit marks following the hearing held on November 13, 1959.
3. That the Carrier now reimburse Extra Gang Laborer J. J. Rock for the time lost during the period October 27 to November 25, 1959, and now remove the 45 demerit marks from his record.

FINDINGS:

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted by agreement and has jurisdiction of the parties and of the subject matter.

Under the Rule of the effective Agreement, the Carrier had the right to hold this claimant out of service; and he is not entitled to be reimbursed for the time held out of service because he did not properly perform his work. The claimant also asked that 45 demerits be removed from his record. The questions of the 45 demerits is moot as the claimant is no longer employed by the Carrier.

AWARD:

Claim denied in accordance with the Opinion.

(s) Thomas C. Begley

Thomas C. Begley, Chairman

(s) A. J. Cunningham

A. J. Cunningham, Employee Member

(s) M. L. Erwin

M. L. Erwin, Carrier Member

Dated at Tyler, Texas
November 19, 1962.