

(C O P Y)

PROCEEDINGS BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees)	
and)	
St. Louis Southwestern Railway Company)	Case No. 36 Award No. 36

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the effective Agreement by failing to call furloughed Bridgeman C. L. Brack to return to service in his B&B Gang on No. 2 on March 7, 1960, and continuing.
2. That Bridgeman C. L. Brack be now compensated for his loss of wages due to the Carrier's failure to call him back to Bridge Gang No. 2 when a vacancy occurred beginning March 7, 1960 and continuing.

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.

From the evidence produced at the hearing, the Board finds that the Carrier made one attempt to locate the claimant on Sunday. This attempt was not sufficient to warrant not making an attempt on Monday to contact this claimant prior to calling a junior employee on Monday to commence work on Tuesday. The claim will be sustained for hours worked by the junior employee Tuesday through Friday, inclusive, at the pro rata rate.

AWARD:

Claim sustained 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, Manager Personnel

Dated at Tyler, Texas
November 19, 1962.