

AWARD NO. 209

SSW FILE PR-81728

CASE NO. 9 - ORT SUPPLEMENT NO. 4

SPECIAL BOARD OF ADJUSTMENT NO. 100

PARTIES) The Order of Railroad Telegraphers
)
TO)
)
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

That Telegrapher F. C. Brown be reinstated to the service with seniority, vacation and all other rights unimpaired, and that he be reimbursed for all earnings lost commencing June 3, 1958, continuing thereafter until he is restored to service.

FINDINGS: After the claimant was dismissed from service by the Carrier on October 23, 1957, the organization attempted to have the claimant reinstated on a leniency basis and when this failed the organization wrote the Carrier on June 3, 1958 and requested the claimant be reinstated and be reimbursed for all earnings lost commencing June 3, 1958 and continuing until he was reinstated to service.

From a careful reading of the transcript of the investigation and the submissions of the parties, the Board finds that the facts and circumstances of record will not justify it in vacating the action taken by the Carrier.

AWARD: Claim denied.

(Signed) Thomas C. Begley
Thomas C. Begley, Chairman

(Signed) C. M. Fitzhugh
C. M. Fitzhugh, Employee Member

(Signed) M. L. Erwin
M. L. Erwin, Carrier Member

Chicago, Illinois
February 23, 1959.