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Award No. 12
Docket No. 12

SPECIAL BOARD OF ADJUSTMENT NO. 166

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees on the Missouri Pacific Railroad, that the Carrier violated the Clerks' Agreement:

1. When on July 10, 1956, following investigation held at Dupu, Illinois on July 5, 1956, it dismissed Clerk Mrs. Betty Thompson from the service of the Company on charges that she failed to protect her assignment as Yard Clerk - Teletype Clerk, June 26, 1956, hours 7PM to 3:30AM;
2. The Carrier shall be directed by an appropriate order of the National Railroad Adjustment Board to reinstate Mrs. Betty Thompson to the service with seniority rights unimpaired and reimburse her for all wage loss suffered as result of the Carrier's action.

FINDINGS: The claimant was dismissed after investigation. The investigation shows unmistakably that the claimant requested permission to lay off and was advised that there were no extra clerks available to fill her position. Subsequently she advised a clerk in the office to tell the Supervisor that she would not be out that night, then she either did not answer her telephone or left her residence so that she could not be contacted.

This is a clear case of a deliberate refusal to cover one's assignment without offering in advance any reasonable excuse. While reasonable minds might differ as to the extent of the penalty to be imposed, we do not think that this Board should substitute its judgment for that of the Carrier in such a clear case.

AWARD: Claim denied.

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/s/ Dudley E. Whiting
Dudley E. Whiting -- Chairman

/s/ Ira F. Thomas
Ira F. Thomas - Employee Member

/s/ G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
January 17, 1957