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AWARD NO. 43  
CASE NO. 45  
SSW FILE R-51-711-113  
BRC FILE NR-27-11

SPECIAL BOARD OF ADJUSTMENT NO. 169

PARTIES ) The Brotherhood of Railway and Steamship Clerks  
TO )  
DISPUTE ) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

(1) That Carrier violated the Clerks' current Agreement at Pine Bluff, Arkansas, Transfer Shed, November 5, 1955, when it used junior employee J. Kirke for filling a Trucker position instead of Mr. C. A. Stephens.

(2) That Mr. C. A. Stephens be paid for eight hours time at Trucker rate of pay for November 5, 1955.

FINDINGS: There is a dispute in the facts here as to whether or not carrier made reasonable effort to locate the claimant, who was the senior employee.

Apparently Route Clerk Tisdale did the calling and was unable to locate the claimant at the shed and being on short notice he should have called the claimant's stepfather's house which is apparently the normal way of calling this claimant. If Tisdale called claimant's stepfather's house and could not locate the claimant, his claim is not valid. If he did not call claimant's stepfather's house, in addition to looking for the claimant at the shed, then his claim is valid.

AWARD: Claim disposed of in keeping with the above, and case is referred back to the parties to develop the facts.

/s/ Frank P. Douglass  
Frank P. Douglass, Chairman

/s/ W. E. Straubinger  
W. E. Straubinger, Employee Member

/s/ L. C. Albert  
L. C. Albert, Carrier Member

Tyler, Texas  
May 1, 1957