

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee that:

1. Carrier was in violation of the Agreement by its action in dismissing Track Foreman W. A. Robertson, Monroe Sub-division, from the Carrier's service on the allegation that he had improperly supervised his gang on August 1, 1968.
2. Track Foreman W. A. Robertson be returned to service of the Carrier in the position of Foreman with all seniority rights, pass privileges and vacation rights unimpaired, as well as the restoration of all other rights and privileges accruing to him which would have been his under the provisions of the effective Agreement if he had not been dismissed from the services of the Carrier on August 16, 1968; and that he be paid for all time lost, retroactive sixty (60) days from October 23, 1968, claim to run concurrently until Mr. Robertson has been returned to service.

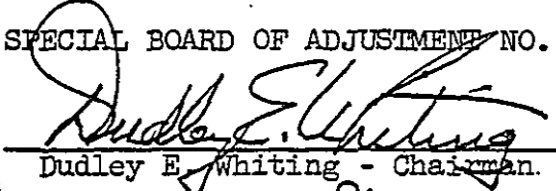
FINDINGS: The claimant was guilty of the charge on the basis of his own statement that he was laying down in the truck and did not know if the men were at the back of the truck or had gone back to work.

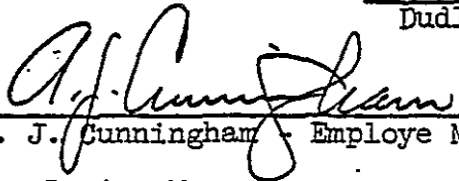
He has been reinstated on a leniency basis after seven months. It appears, however, that he was offered an opportunity to return earlier and other circumstances indicate that he must bear the responsibility for a significant portion of that lost time.

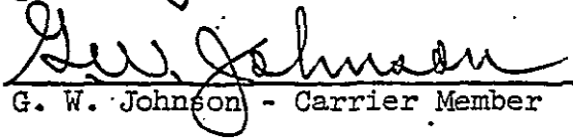
Accordingly we are constrained to deny the claim.

AWARD: Claim denied.

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Dudley E. Whiting - Chairman


A. J. Cunningham - Employee Member


G. W. Johnson - Carrier Member

St. Louis, Mo.
February 9, 1971
File 247-4683