

SPECIAL BOARD OF ADJUSTMENT NO. 279BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANYSTATEMENT
OF CLAIM:

Claim of the System Committee that:

1. The discipline assessed Welder Helper Roy E. Phillips, Southern District, of a ten (10) day suspension from service beginning December 12, 1969, was unfair, improper, arbitrary, capricious and on unproven charges and without just and sufficient cause. And especially in violation of Rule 12 of the current Agreement.
2. Welder Helper Roy E. Phillips be now paid for all time lost from December 12, 1969 through December 21, 1969 account of this improper suspension from service.
3. The Carrier shall pay the claimant 6% per annum on the monetary allowance accruing from the initial claim date until paid.

FINDINGS:

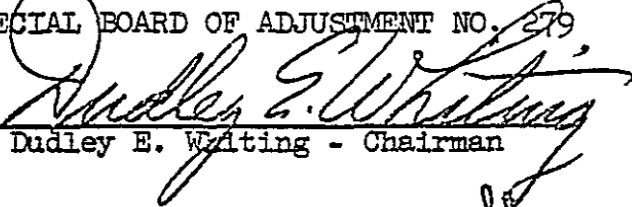
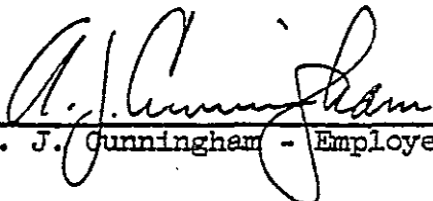

Claimant was charged with "failure to perform the duties delegated to a welder helper at 2:10 PM on December 11, 1969."

It appears that the welder came from the dispatcher's phone and informed the claimant that they had until 2:45 PM to weld two joints on a bridge. It developed that the welder was mistaken about the information received from the dispatcher.

Under these circumstances it is not reasonable to say that the helper should have questioned the welder's information, or taken precautions as though he had not been told that the line was clear until 2:45 PM, so no reasonable basis for the discipline has been established.

AWARD:

Claim sustained, except part 3 which is denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279
Dudley E. Whiting - Chairman
A. J. Cunningham - Employee Member
G. W. Johnson - Carrier Member