

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the Committee that:

1. Carrier violated the effective Agreement, especially Rule 12 by dismissing from service Trackman Kenneth B. Eden by its notice of September 6, 1974.
2. Carrier shall pay for time lost for each 8 hours work day, including any holidays falling therein, beginning August 5, 1974 and continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

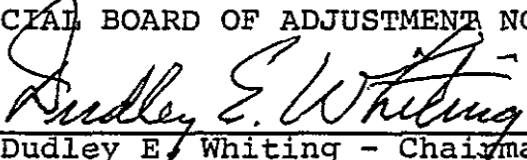
FINDINGS: Claimant was employed on May 13, 1974 and failed to protect his assignment on August 5, 1974. For that length of service dismissal was not an unreasonable penalty for such offense.

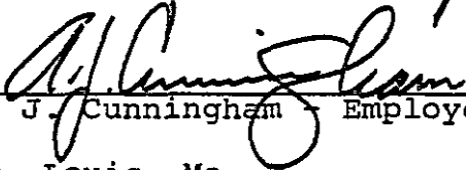
It is contended that his arrest and incarceration at 2:05 a.m. on August 4, 1974 constituted proper cause for his absence, but this is not generally accepted as good cause for absence, and it is not shown that his arrest made it impossible for him to notify or have someone notify the Carrier in advance of his absence.

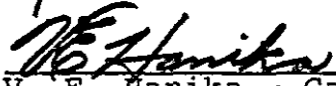
Accordingly his claim cannot be sustained.

AWARD: Claim denied.

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Dudley E. Whiting - Chairman


A. J. Cunningham - Employee Member


V. E. Hanika - Carrier Member

St. Louis, Mo.
November 18, 1977
File: 247-5183