

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the Committee that:

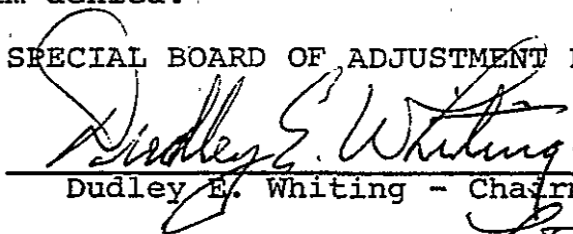
1. Carrier violated the effective Agreement by unfairly dismissing Machine Operator H. L. Richardson on March 13, 1978.
2. Claimant Richardson be reinstated with seniority rights, pass privileges, vacation rights unimpaired, as well as his restoration of all other rights and privileges accruing to him which would have been his under the provisions of various agreements if he had not been dismissed from the service of the Carrier March 13, 1978, and be paid for loss of wages suffered from date he was removed from service, February 28, 1978, claim to run concurrently until Mr. Richardson is returned to his job.

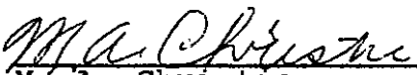
FINDINGS: The testimony of the Assistant Roadmaster and the Assistant Foreman supports the charge against the claimant and, while he denies having actually refused to work as directed, he did not do so and we are unable to credit his testimony thereon.


If he was aggrieved by the assignment to another crane on two consecutive days, his remedy lay in the grievance procedure rather than a failure or refusal to work as directed.

AWARD: Claim denied.

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Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


L. D. Brown
Carrier Member

St. Louis, Missouri
November 15, 1979
File 247-5610