

AWARD NO. 144
Docket No. 144

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. Claim of Trackman R. C. Lopez for pay at the Foreman's rate of pay for all hours worked by Gang 5152 beginning at 6:32 P.M. on August 28, 1978, and continuing until reinstated to service with seniority and vacation rights unimpaired because dismissal was excessive.

FINDINGS:

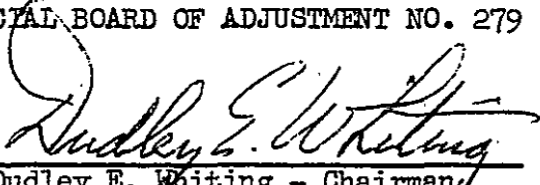
It appears that claimant was not directed to go home but was given permission to go home. Other misconduct shown does not justify dismissal of an employee with 31 years of service, so the penalty imposed must be reduced to a 30 day suspension.

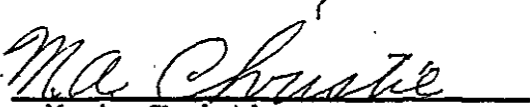
The claimant was reinstated on April 27, 1979, so the claim now is for pay from 30 days after August 28, 1978 until April 27, 1979. Under the Agreement provisions thereon earnings in other employment and unemployment compensation received by him during the same period of time will be deducted.


AWARD:

Claim sustained per findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279


Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


L. D. Brown
Carrier Member