

AWARD NO. 148
Docket No. 148

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 Trackmen D. L. Alexander, R. L. Burks, and P. N. Clower for loss of all wages from June 22, 1978, and continuing until reinstated to service with seniority, pass and vacation rights unimpaired because Carrier improperly dismissed them.

FINDINGS:

It appears that the General Roadmaster was confronted by a riotous situation and we cannot fault his method of dealing with it by taking the nearest employees out of service, one at a time, until the clamor ceased.

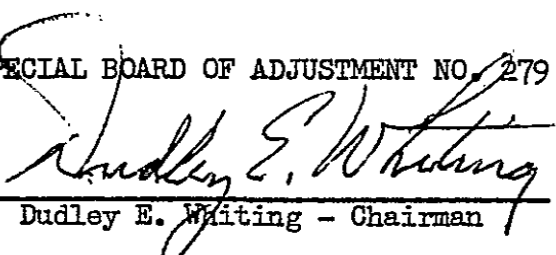
Claimants Alexander and Clower had less than one year service, so dismissal is not inappropriate. Claimant Burks had two and one-half years of service, so the greatest penalty justified was a suspension without pay for thirty days. Hence he should be reinstated and paid for time lost from thirty days after his dismissal less any earnings in other employment and unemployment compensation received by him during the same period of time.


AWARD:

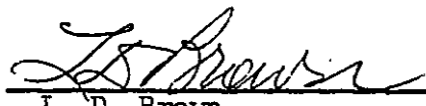
Claims of D. L. Alexander and P. N. Clower are denied.

Claim of R. L. Burks sustained per findings.

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Dudley E. Whiting - Chairman


M. A. Christie
Employee Member


L. D. Brown
Carrier Member