

AWARD NO. 160  
DOCKET NO. 160

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 when Trackman Anthony Bacon was unjustly dismissed in letter dated September 6, 1979.
2. Claimant Bacon shall now be returned to service with seniority rights and vacation privileges restored and paid for all time lost and to continue until he is again reinstated.

FINDINGS:

The charge encompasses only the months of May and June, 1979 and the only evidence to support it is an unsigned statement purporting to evidence admissions by the claimant, which was refuted by claimant's testimony at the hearing.

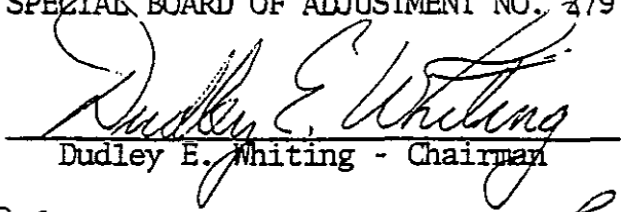
Considering the nature of the charge and the circumstances shown, we are constrained to find that the charge was not proven and the claim should be sustained.


Under the Agreement and our prior awards earnings in other employment and unemployment compensation received are to be deducted in the calculation of pay for time lost.

AWARD:

Claim sustained in accordance with the findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279

  
Dudley E. Whiting - Chairman

  
M. A. Christie - Employee Member

  
L. D. Brown - Carrier Member

Houston, Texas  
March 20, 1981  
File 247-5854