

NATIONAL MEDIATION
BOARD

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NATIONAL RAILROAD
ADJUSTMENT BOARD

AWARD NO. 162
DOCKET NO. 162

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 when Trackman D. G. Powell was unjustly dismissed on September 17, 1979.
2. Claimant Powell shall now be paid for eight hours each work day, including any holidays falling therein, beginning September 17, 1979, continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

FINDINGS:

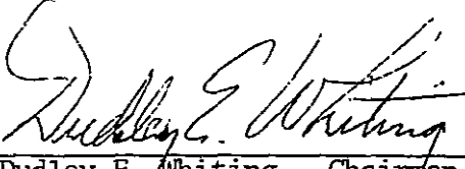
It appears that four employees rode in the rear of the truck contrary to instructions and those other than claimant were given thirty (30) day deferred suspensions. The only difference is that claimant was injured. We are constrained to find that this is not a proper basis for differentiation in disciplinary penalty, so the claimant's penalty shall be reduced to a thirty (30) day deferred suspension and his claim for pay sustained.


Under the Agreement and our prior awards earnings in other employment and unemployment compensation received shall be deducted in calculating pay for his lost time.

AWARD:

Claim sustained according to findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279


Dudley E. Whiting - Chairman


M. A. Christie - Employee Member


L. D. Brown - Carrier Member