

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

1. Carrier violated the agreement on September 1, 1981, when Trackmen C. B. Ross and J. H. Thomas, Kingsville Division, were dismissed for refusal to comply with instructions to change a flat tire on the gang truck on July 16, 1981.
2. Claimants shall now be allowed pay at their straight time rate during the period July 17, 1981 until September 1, 1981.

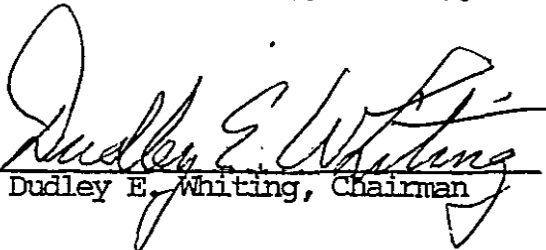
FINDINGS:

While there is a conflict in the evidence adduced at the investigation, we are obliged to find that there was evidence which supports the charge. Considering the prior discipline record and relatively short service of the claimants, dismissal was not an excessive penalty so the claim is not sustainable.

AWARD:

Claim denied.

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Dudley E. Whiting, Chairman


M. A. Christie, Employee Member


L. D. Brown, Carrier Member