

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

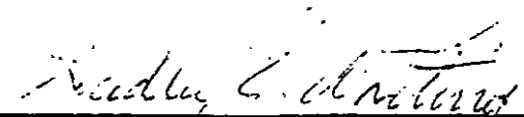
- (1) Carrier violated the agreement following investigation conducted on June 17, 1981 with Assistant Foreman W. Fair, Jr., System Rail Gang 6801, alleging he provided false information to the timekeeper on May 15, 1981, resulting in his receiving pay he was not entitled to receive.
- (2) Carrier shall now reinstate Assistant Foreman W. Fair, Jr., to service with seniority and all other rights unimpaired with pay for all time lost during the period July 13 through October 16, 1981.

FINDINGS: There was evidence at the investigation that claimant's foreman told him he would be paid for attending an investigation just the day before, whereas the only allegation of advice to the contrary was over a year before, so it is understandable that he relied upon what the foreman told him. This negates any intention to give false information by his silence thereon to the timekeeper, so the claim will be sustained.

The pay claim is inaptly written as the Agreement provides for payment of any wage loss, which comprehends the deduction of earnings in other employment and unemployment compensation received meanwhile.

AWARD: Claim sustained to the extent stated in the Findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279


Dudley E. Whiting - Chairman


M. A. Christie - Employee Member


L. D. Brown - Carrier Member

New Orleans, Louisiana
October 21, 1983
File 247-6263