

Award No. 231

Docket No. 231

Mopac File 247-6852

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Missouri Pacific Railroad Company

Statement
of Claim:

1. Carrier violated the effective Agreement when Trackman D. W. Caballero was unjustly dismissed on September 14, 1984.

2. Claimant Caballero shall be paid for eight (8) hours each work day, including any holidays falling therein and for any overtime which would have accrued to him had he not been dismissed, beginning August 10, 1984, and continuing until reinstated to service with seniority, vacation and all other rights restored.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a Trackman, was given a thirty-day suspension for unauthorized absenteeism. He failed to report back to service on August 7, the conclusion of such disciplinary period. Claimant was also absent on August 8 and 9, 1984.

As a result of the investigation held on September 11, 1984 for his failure to report for work as Trackman

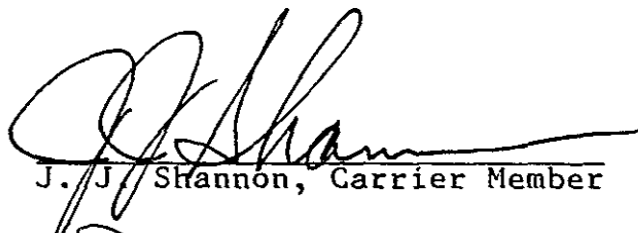
on Gang 5363 at Trinity, Texas on August 7, 8 and 9, 1984. Claimant was found guilty thereof and dismissed from service as discipline therefor.

The Board finds extenuating circumstances in the record. It will therefore reinstate Claimant, with all rights unimpaired but without pay for time out of service. Claimant will be placed in a probationary status for a six-month period. Such status does not, however, deny him any of the rights of his Discipline Rule.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


M. A. Christie, Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.

