

AWARD NO. 25
AWARD NO. 26

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
versus
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT
OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The Carrier violated the effective Agreement by failing to call Section Laborers Dave Ross and Matthew Morrow for overtime work on February 1, 1958, to make track repairs in Palestine Yard as result of a derailment.
- (2) Section Laborers Dave Ross and Matthew Morrow be now reimbursed for seven (7) hours each at the time and one-half rate account of this violation of the Agreement.

FINDINGS: The only issue in this claim is one of fact as to whether efforts were made to call claimants for emergency work and whether they were available for such call.

A collision occurred at 10:45 p.m. and the crew reported at 1:00 a.m. and worked until 8:00 a.m. The claimants show that they were available for call at 1:00 a.m., but make no showing as to their availability prior thereto. It is obvious that employes would be called prior to 1:00 a.m. when they were starting work at 1:00 a.m. Other evidence shows attempts by the foreman and others to contact the claimants prior to 1:00 a.m. without success.

On the evidence presented in this docket the claims are without merit.

AWARD: Claim denied.

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(s) Dudley E. Whiting

Dudley E. Whiting - Chairman

(s) A. J. Cunningham

A. J. Cunningham - Employee Member

(s) G. W. Johnson

G. W. Johnson - Carrier Member

St. Louis, Missouri
July 17, 1959