

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
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 refusing to allow Extra Gang Laborers F. F. Gatewood, Robert Wrather, and James Henry Mace to work on May 19, 1958, in Extra Gang No. 10, Foreman W. E. Yow, Conway, Arkansas.
- (2) Extra Gang Laborers F. F. Gatewood, Robert Wrather, and James Henry Mace shall now be reimbursed a day's pay each for May 19 and the subsequent dates on which they were improperly held out of service.

FINDINGS: Claimants were off work on Friday, May 16, 1958, without notice to the foreman and reported for work on Monday morning, May 19th. The foreman withheld them from service on that day. There is no evidence that others had been called to fill their jobs nor that they have received any prior warning or notification that they would be withheld from work if they did not notify the foremen when off as to when they would return to work.

It is obvious that employees have a responsibility to their employer to give notice if circumstances make it impossible for them to work and they also should accept the responsibility of advising when they will return to work. If they do not accept such responsibility they are no doubt subject to discipline, but under the circumstances related above there was no justification for withholding them from work on May 19, 1958. On May 19th the foreman directed them to get a note from the doctor. No reason appears why they should not have done so that day and returned to work the following day.

AWARD: Claim sustained for May 19, 1958.

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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