

AWARD NO. 34
Docket No. 34

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 failing to notify furloughed Section Laborer Robert Wilson that a vacancy existed in the Tyler section in August, 1958, as required by provisions of Rule 3(f).

(2) The Carrier now compensate Section Laborer Robert Wilson for 14 days of 8 hours each (112 hours) at his laborer's rate of pay on account of this violation of the Agreement referred to.

FINDINGS: The claimant was cut off at 4:00 p.m., August 7, and later that day his foreman was instructed to advise him to report at Longview on the 8th. He was not at home and the message was given to his wife who did not inform him until 9:00 a.m. the next day because he was absent from his residence. Because he did not report at Longview on the 8th, a less senior man was assigned to a vacancy at Tyler. Finally, on August 20, the claimant was advised that he could displace the man so assigned at Tyler and sent word that he would report to Tyler on the 25th.

It does not appear that his failure to report at Longview for a one-day job constituted a valid reason for failure to assign him to the opening at Tyler, so his claim should be sustained, except that he has no valid claim for August 8 or August 21 and 22 because he missed work voluntarily on those days.

AWARD: Claim sustained in accordance with the Findings.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(s) Dudley E. Whiting
Dudley E. Whiting - Chairman

(s) A. J. Cunningham
A. J. Cunningham - Employe Member

(s) G. W. Johnson
G. W. Johnson - Carrier Member

St. Louis, Missouri
November 3, 1959