

AWARD NO. 40
Docket No. 40

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 assign Bridge Derrick Operator J. E. O'Bannon to a vacancy in his class on December 15, 1958, but instead assigned a junior operator, F. L. Hamby.
- (2) The Carrier compensate Bridge Derrick Operator J. E. O'Bannon for all wages lost because of the Carrier's violation of his seniority rights referred to in Part 1 of this Claim beginning December 15, 1958, and continuing until this violation of the Agreement is discontinued.

FINDINGS: Disposition of this claim is governed by our Award No. 39.

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 279

(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
August 9, 1962
File BMWE 26-58