

AWARD NO. 55
Docket No. 55

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 to Relief Foreman L. Bolton a bunk car, properly equipped and in suitable condition, for his use during October, 1958.
- (2) The Carrier shall now reimburse Claimant Relief Foreman L. Bolton in the amount of \$72.20 for expenses incurred on account of this violation of the Agreement referred to in Part 1 of this claim.

FINDINGS: In this case there is a direct conflict in the evidence as to whether the claimant lived in the car provided for him at Waco and whether he made any complaint about the condition of the car. There being no other evidence than the statements of the claimant and of the roadmaster, we can only find that the claimant has not sustained his burden of proof to establish that his claim is valid.

Additionally, it should be noted that Rule 25 is not applicable to this type of situation but it is an expense and pay rule for Temporary or Emergency Travel Service.

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 29-58