

AWARD NO. 108

CASE NO. 151

SSW File 53-614

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES) Brotherhood of Maintenance of Way Employees
TO)
DISPUTE) St. Louis Southwestern Railway Company

STATEMENT OF CLAIM:

Laborer Grant Miller be reinstated with all rights restored and pay for time lost.

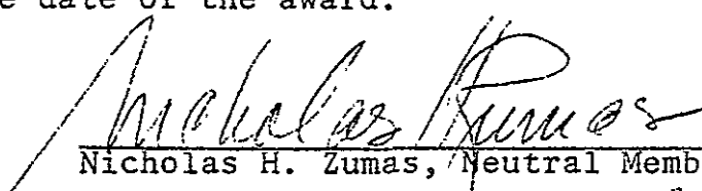
FINDINGS:

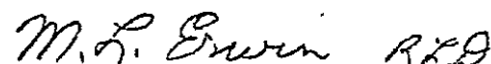
Claimant was charged with failing to perform his duties properly, being insubordinate, and with entering into an altercation with his foreman. After investigation and hearing, Claimant was dismissed from Carrier's service.

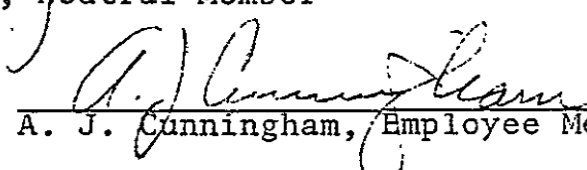
A review of the record, particularly the transcript of hearing, shows that Claimant was culpable. However, in view of Claimant's record of no prior discipline, the Board is of the opinion that dismissal from service was too harsh. Accordingly, Claimant shall be reinstated to service with seniority unimpaired, but with no compensation for time lost.

AWARD: Claim disposed of per findings herein.

ORDER: Carrier is directed to comply within thirty (30) days of the date of the award.


Nicholas H. Zumas, Neutral Member


M. L. Erwin, Carrier Member


A. J. Cunningham, Employee Member

DISSENTING

Tyler, Texas
October 30, 1975