

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 131
Case No. 211

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employes

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 6 - Discipline and Grievances, at hearing held on behalf of Track Foreman Mr. Bobby R. Reynolds on May 13, 1975, at Tyler, Texas, which was not fair and impartial.
- "II. Mr. Bobby R. Reynolds be reinstated to former position as Track Foreman, with pay for all time lost, full reinstatement of seniority, vacation and all rights unimpaired."

FINDINGS:

Claimant was employed as a Foreman on Extra Gang 23. On April 17, 1975 the extra gang, working under Claimant's supervision, was in the process of replacing rails and ties for approximately 78 feet at the Plano, Texas siding. The extra gang went off-duty at the prescribed time, but the work was not completed. Spikes were not applied to the west rail for some 30 to 40 feet, the switch to the siding was not spiked, and other proper protection not provided. As a result of the incompleted work with no protection provided, an engine derailed as a train moved through the impassable track.

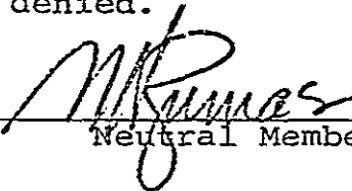
Claimant was charged with violating Rules M-200 and M-202. After hearing and investigation, Claimant was dismissed from Carrier's service.

The Board has reviewed the record and finds no basis


for disturbing Carrier's action. The Organization's contention that Claimant did not receive a fair and impartial hearing is without merit. The testimony of the witness the Organization asserts Carrier should have called, even if favorable to Claimant, would not have been relevant to Claimant's violation of Rules M-200 and M-202.

AWARD

Claim denied.



Neutral Member

Carrier Member

Organization Member

Date