

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 132

Case No. 212

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 6 - Discipline and Grievances, when Laborer Leroy Hampton was unjustly and improperly dismissed without investigation of cause, on March 12, 1976.
- "II. Mr. Leroy Hampton be reinstated with all seniority, vacation and other rights unimpaired, with pay for all time lost beginning March 15, 1976."

FINDINGS:

Claimant was charged with being absent on March 12, 1976, without proper authority. After investigation and hearing, Claimant was dismissed from Carrier's service.

After reviewing the record, the Board finds that while Carrier was warranted in its determination that Claimant violated the rules, there were extenuating circumstances that makes this dismissal from service excessive. The Board feels that Claimant should be given "one last chance".

Accordingly, Claimant shall be restored to service with seniority unimpaired, but with no pay for time lost.

AWARD

Claim disposed of per findings.

MR. Rums

Neutral Member

CB Boyne

Carrier Member

Sept 5, 1979

Date

M.A. Christie

Organization Member