

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. ~~124~~ 138
Case No. 214

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 it dismissed a welder helper improperly, unjustly and unwarranted on Welding Gang #26 on March 17, 1976.
- "II. Welder Helper Mr. Willie O. Wilson be reinstated with seniority, vacation, and all other rights unimpaired, with pay for all time lost beginning March 18, 1976."

FINDINGS:

Claimant, an employee of two years, was charged with insubordination as a result of a refusal to perform service after being instructed to do so by his Foreman. After investigation and hearing, Claimant was dismissed from Carrier's service.

After reviewing the record, the Board finds that the substantive evidence of probative value supports Carrier's determination of culpability. The Board further finds, however, that dismissal, under the circumstances, was excessive. Accordingly, Claimant shall be reinstated with seniority unimpaired, but with no pay for time lost.

(Cont'd)

AWARD

Claim disposed of per findings.

MR. Kumar
Neutral Member

CB. Doyne
Carrier Member

M.A. Chivata
Organization Member

Sept 5, 1979
Date