

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES) BROTHEROOD OF MAINTENANCE OF WAY EMPLOYEES
TO)
DISPUTE) ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"Claim in favor of D. L. Wright, for five (5) days pay plus 1 day holiday pay." (SSW-D-1159-Wright; 53-755)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

Claimant was suspended from service for five days for alleged violation of Rule M801 of Rules and Regulations for the Maintenance of Way and Structures Department, the Carrier having determined that Claimant did not properly repair the 79 RC ballast regulator during the first week of May 1984.

Rule M801, in pertinent part as is here applicable, reads:

"Employees will not be retained in the service who are...indifferent to duty..."

We believe testimony offered at the company hearing clearly supports the conclusion that as an apparent consequence of not assuring that all repairs had been properly made to the ballast regulator before releasing it for service that it became necessary it again be overhauled, resulting in, as the Carrier states, the critical loss of a production machine for nearly three weeks.

The fact another employee, who was called away to work elsewhere, had reportedly completed a portion of the repair work before the Claimant was left alone for two days to complete the repair work on the ballast regulator does not serve to excuse the Claimant's responsibility to see that the repairs were in fact properly made before the machine was released for service.

In the circumstances of record, this Board has no alternative but to hold that the claim be denied.

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AWARD NO. 204
CASE NO. 291

AWARD:

Claim denied.



Robert E. Peterson, Chairman
and Neutral Member



R. O. Naylor
Carrier Member



M. A. Christie
Organization Member

Houston, TX
February 5, 1986