

PUBLIC LAW BOARD NO. 3241

|                               |   |                          |
|-------------------------------|---|--------------------------|
| In the Matter of:             | ) | National Mediation Board |
|                               | ) | Administrator            |
|                               | ) |                          |
| BROTHERHOOD OF MAINTENANCE OF | ) |                          |
| WAY EMPLOYES,                 | ) |                          |
|                               | ) |                          |
| Organization,                 | ) |                          |
| and                           | ) |                          |
|                               | ) |                          |
| UNION PACIFIC RAILROAD        | ) | Case No. 42              |
| COMPANY,                      | ) | Award No. 42             |
|                               | ) |                          |
| Carrier.                      | ) |                          |
| <hr/>                         |   |                          |

Hearing Date: June 4, 1992  
Hearing Location: Sacramento, California  
Date of Award: April 16, 1993

MEMBERS OF THE BOARD

Employees' Member: C. F. Foose  
Carrier Member: D. A. Ring  
Neutral Member: John B. LaRocco

ORGANIZATION'S STATEMENT OF THE CLAIM

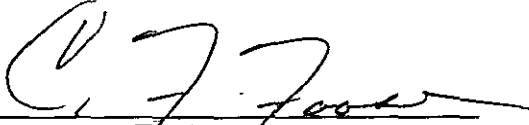
1. That the Carrier violated the provisions of the current Agreement when it suspended System Tamper Operator Michael W. Stokes for thirty days actual. Said action being based on unproven charges is capricious and in abuse of discretion.
2. The Carrier shall now be required to reinstate Claimant to his former position with seniority and all other rights restored unimpaired with compensation for all wage loss suffered and his record be cleared of all charges.

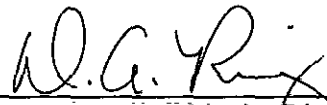
Since Claimant had just been disciplined for a similar offense, a thirty-day suspension was an appropriate penalty for Claimant's failure to obtain proper authority for his absence from April 18 through April 21, 1989.

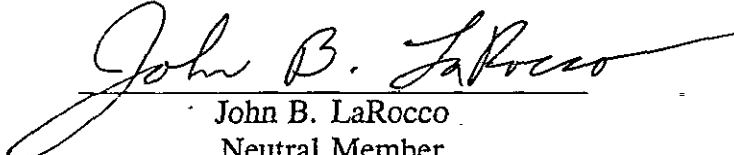
**AWARD AND ORDER**

Claim denied.

Dated: April 16, 1993

  
\_\_\_\_\_  
C. F. Foose  
Employees' Member

  
\_\_\_\_\_  
D. A. Ring  
Carrier Member

  
\_\_\_\_\_  
John B. LaRocco  
Neutral Member