

Award No. 234

Docket No. 234

Mopac File 247-6886

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Missouri Pacific Railroad Company

Statement
of Claim:

1. Carrier violated the effective Agreement when Trackman Lee Scott was unjustly dismissed November 17, 1984.

2. Claimant Scott shall now be paid for eight (8) hours each work day, including any holidays falling therein and any overtime which would have accrued to him, beginning November 17, 1984, and continuing until he is reinstated to service with seniority, pass and vacation rights unimpaired.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

The Claimant, a Trackman, following a formal investigation, was advised, under date of November 17, 1984, that he was dismissed from services of the Missouri Pacific Railroad for violation of General Rule "N" of the Rules and Regulations for the Maintenance of Way Structures reading:


"For your failure to protect your job assignment, as developed in investigation held on November 5, 1984."

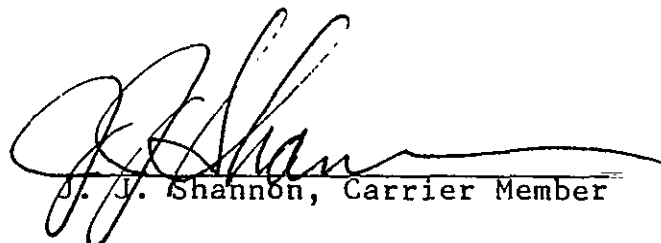
The Board finds that Claimant was accorded the due process to which entitled under his Discipline Rule. Claimant also failed to attend the investigation requiring that it be held in absentia.


There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's guilt of the charge. From April through September 19, 1984, Claimant was absent without authority fifty-three (53) days or forty-eight 48% percent of that time spent not working.

The Board finds the discipline assessed was reasonable. Claimant accorded the same interest to the exercise of his right to investigation given him by the Union that he had to his job - none.

Award: Claim denied.


M. A. Christie, Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued August 23, 1986.

