

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 254

Case No. 254  
File 247-6687

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Union Pacific Railroad Company

Statement

of Claim: (1) Carrier violated Agreement Rule 12 when Trackman  
S. R. Myers was dismissed from the service effective  
October 3, 1983.

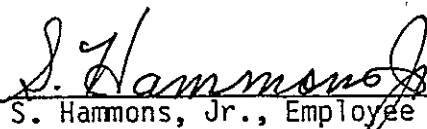
(2) Mr. Myers shall now be reinstated with seniority  
rights, pass privileges, and vacation rights unimpaired,  
and he shall be allowed compensation for all time lost.

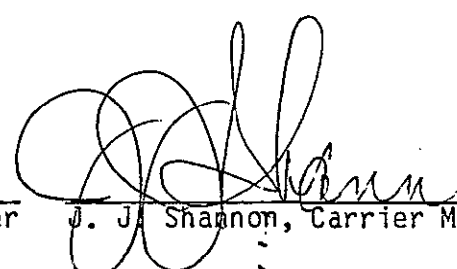
The Board has jurisdiction of this case.

Claimant Trackman, following a formal investigation on September  
21, 1983, was discharged for failing to follow the work instructions  
given him by Track Foreman S. D. Newby to help unload ties out of  
freight car.

There was sufficient evidence adduced to support Carrier's  
conclusion that Claimant was insubordinate. The defense of "safety  
protection" was never mentioned at the time of the incident. Hence,  
little weight was assigned to its being belatedly raised at the  
investigation. The claim will be denied.

Award: Claim denied.

  
S. Hammons, Jr., Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 28, 1988.