

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 255

Case No. 255

Parties to Dispute Brotherhood of Maintenance of Way Employes and Union Pacific Railroad Company (former Missouri Pacific Railroad Company)

Statement of Claim:

"Carrier violated the Agreement, especially Rule 12, when Trackman G. C. Miller was dismissed from service on October 22, 1984.

Claimant Miller should now, therefore, be allowed compensation for eight (8) hours each work date, including any holidays falling therein and any overtime which would have accrued to him, beginning October 22, 1984, continuing until he is reinstated to service with seniority, pass and vacation rights unimpaired."

Findings: The Board has jurisdiction of this case by reason of the parties Agreement of January 5, 1959.

Claimant Trackman, who had a serious absentee problem, was warned, on February 14, 1984, by the Roadmaster that if he was going to be unavailable for work that he should notify the Roadmaster personally and advise the reason why.

Next morning, February 15, 1984, Claimant failed to report to work and he also failed to advise the Roadmaster.

Carrier, on March 20, 1984, some 34 days later issued a notice of investigation. After the investigation had been postponed three times it finally was scheduled and held on October 19, 1984. As a result thereof Carrier concluded him to be guilty. Claimant was dismissed from service as discipline for his continual absence and absence without authority.

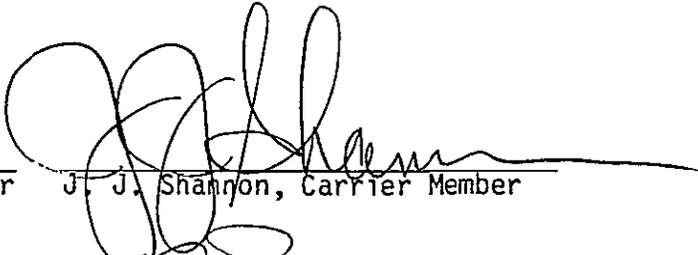
The record reflects that Claimant was accorded the due process to which entitled under Rule 12 - Discipline.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability. The record reflects that Claimant had an alcohol abuse problem and that he had been dismissed twice therefor. The number and frequency of absences in his record failed to change. Every reasonable effort to assist Claimant had been undertaken.

The discipline in the circumstances is found to be not unreasonable. This claim will be denied.

Award: Claim denied.


Sol Hammons, Jr. Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 15, 1988.