

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 260

Case No. 260

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

Statement
of Claim: "Carrier violated the Agreement, especially Rule 12, when
B&B Helper R. W. Morris was dismissed from the service on
April 17, 1985.

Claimant Morris should now, therefore, be allowed eight (8)
hours each work day at his respective straight time rate of
pay including any holidays following therein and any overtime
which would have accrued to him, beginning April 17, 1985,
and continuing until 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, following a formal investigation, was found
guilty of the charge:

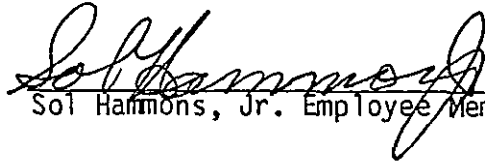
"...of your alleged unauthorized use of company vehicle
#6910 on or about March 2 and 3, 1985 in the vicinity of
Devine, Texas while you were assigned as B&B Helper on Gang
2360."

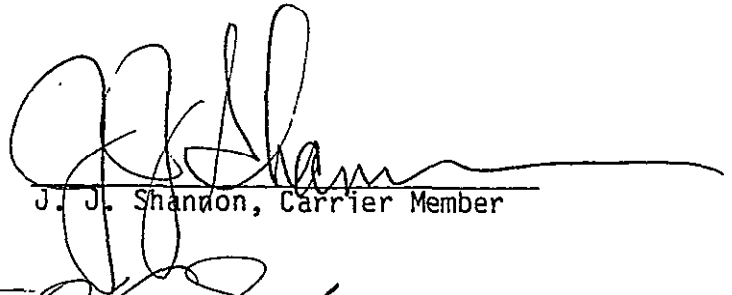
Claimant was accorded the due process to which
entitled under Rule 12 - Discipline.


There was sufficient evidence adduced, including
Claimant's admissions, to support Carrier's conclusion as to
his culpability. The record shows that Claimant, following
treatment for an on duty injury, had filled a prescription
for pain killing pills (Motrin) and that he had chased some
of the pills down with two six packs and two quarts of beer.
Plus, Claimant's admissions to a co-worker, a Special Agent,
and to a B&B Supervisor, clearly supported Carrier's
conclusion as to his guilt.

The discipline imposed, is 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.