

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 266

Case No. 266

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 when it dismissed Machine
Operator Mark Brooks from service effective July 9, 1985.

Claimant Brooks shall now be allowed eight (8) hours pay
for each day, including any holidays and overtime falling
therein, beginning June 24, 1985 and continuing until
reinstated to service with seniority, pass and vacation
rights unimpaired."

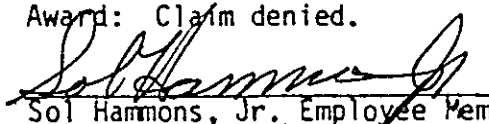
Findings: The Board has jurisdiction of this case by reason of the
parties Agreement of January 5, 1959.

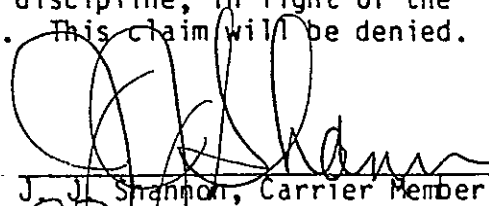
Carrier's Superintendent of the Red River Division, K.
D. Milliman, following a formal investigation that was held
on June 26, and July 23, 1985 advised Claimant on July 9,
1985, in part:

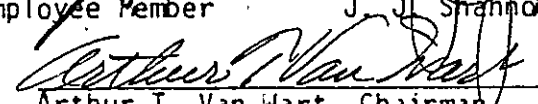
"...your record has this date been assessed with: dismissal
in connection with your violation of General Rule A(1) C, N
of the Rules and Regulations for Maintenance of Way and
Structures in connection with your falsifying time roll on
April 22, 23, 24, 25, 26, 29 and 30, 1985 as a result of
formal investigation held Palestine, TX, June 26, 1985, and
also your violation of General Rule A and B of the
Maintenance of Way Rules effective April 28, 1985 in
connection with your falsifying time rolls on May 1, 2, 3,
6, 7, 8, 9, 10, 13, and 14, 1985 as a result of formal
investigation held Palestine, July 3, 1985, either of which
is a dismissal offense. Your record now stands dismissed."

Analysis of this record provides the conclusions that
(1) Claimant was accorded the due process to which entitled
under Rule 1, (2) that there was sufficient evidence adduced
to support Carrier's conclusion as to Claimant's
culpability, and (3) that the discipline, in light of the
offenses, 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