

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 270

Case No. 270

File 247-7061

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

Statement

of Claim: (1) Carrier violated the current working Agreement, especially Rule 12, when Work Equipment Mechanic A. R. Hines and Work Equipment Mechanic D. N. Hinton were dismissed from the service effective August 29, 1985.

(2) Claimant Hines and Claimant Hinton should now be allowed eight hours pay for each workday, including any overtime and holidays falling therein, beginning August 23, 1985, continuing until they are reinstated to service with seniority, pass and vacation rights unimpaired.

The Board has jurisdiction of this case.

Claimants, on August 22 and 23, 1985, were Work Equipment Mechanics working 6:30 AM to 2:30 PM. They were told by the Work Equipment Supervisor, at 7:00 PM while working overtime, that he wanted certain repairs completed so as to not diminish the Gang's production on the following work day. Claimants worked until 8:00 PM and took upon themselves to tie up. However, the instructed repair work was not completed.

As a result Claimants were given a formal investigation for failing to comply with said instructions. Carrier concluded them guilty. They were dismissed from service on August 29, 1985 as discipline therefor.

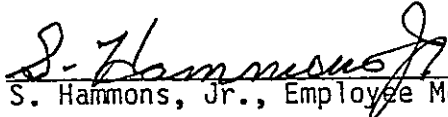
The conflicting testimony was resolved by the trier of facts without an abuse of discretion.

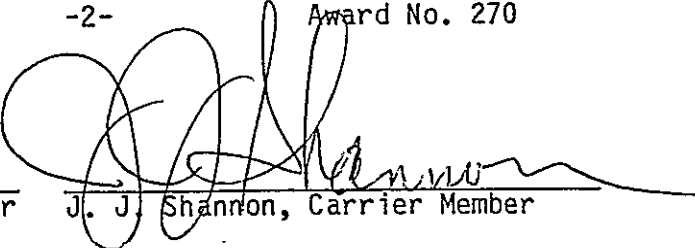
The evidence adduced was sufficient to support Carrier's conclusions of guilt.

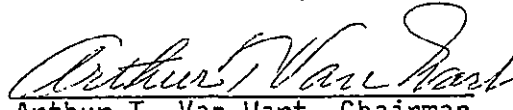
In light of all the circumstances, holding Claimants out of service beyond six months would be unreasonable discipline. They are entitled to be paid for time lost beyond that period until June 17, 1986 at which time an unfettered offer of reinstatement had been made by the Carrier.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 28, 1988.