

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 287

Case No. 287
File 247-7152

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 Trackman H. L. Perry was dismissed from the service effective January 8, 1986.

(2) Trackman Perry should now be reinstated to his former position with compensation for all time lost including any overtime that his former position may have accrued as well as any holidays falling therein, and his benefits be unimpaired as a result of the investigation held on January 3 and 6, 1986.

The Board has jurisdiction of this case.

Claimant, as a result of poor employee behavioral habits and certain incidents, was required to attend three formal investigations which were held January 3, 6 and 7, 1986. He was subsequently advised that:

"The charges against him had been sustained.

(1) In connection with charges that Claimant had absented himself from his work place for an excessive period of time and charges that he was careless of the safety of others when observed throwing a spike maul from a walkway on engine 5033 almost striking a fellow member...

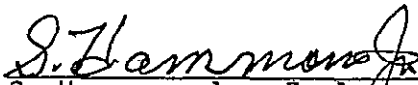
(2) In connection with charges that Claimant Perry failed to comply with instructions of Assistant Roadmaster Kercher and Roadmaster Suppes when failing to return to work as Trackman on December 18, 1985...and

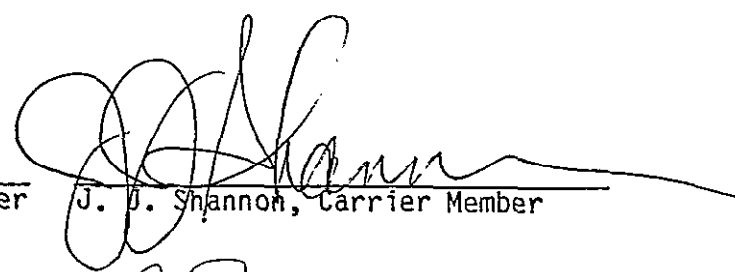
(3) In connection with charges that Claimant failed to properly report an alleged personal injury occurring on December 26, 1985..."

The evidence adduced clearly supports the Carrier's conclusions of guilt.

The discipline imposed is not unreasonable.

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.