

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 302

Case No. 302
File 247-7397(1)

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

Statement

of Claim: (1) Carrier violated the current working agreement,
especially Rule 12, when the personal record of Trackman J.
D. Moore was assessed with a 90-day actual suspension.

(2) Trackman J. D. Moore should now be allowed eight hours'
pay for each workday, including any holidays falling therein
beginning June 19 through September 16, 1986, account
assessed a 90-day actual suspension.

Findings: The Board has jurisdiction by reason of the parties
Agreement establishing this Board.

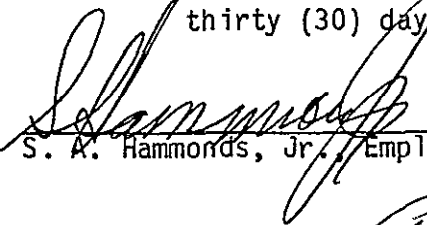
Following a formal investigation, at which Claimant was
not present, he was assessed 90 days actual suspension as
discipline for violation of Item 5 of Conditions of
Employment, in connection with his failure to protect his
assignment on March 19, 24, 31 and April 7, 8, 9, 10, 11,
14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 1986 while
working as a Trackman on Gang 5810 Marshall, Texas.

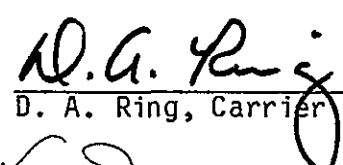
As a result of the Board's finding of a procedural
violation Claimant's discipline will be reduced to 30 actual
days. He is to be paid the difference.

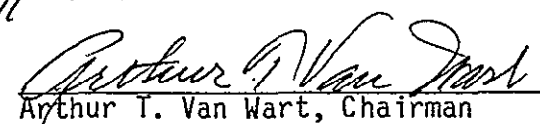
Claimant is also being placed on record that he has a
poor service record and that it can be used against him in
any other proceeding.

Award: Claim sustained as per findings.

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


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.