

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 304  
Case No. 304  
File No. 247-7443

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 current working Agreement, especially Rule 12, when the personal record of Assistant Foreman J. H. Moncivais was assessed a 15-day actual suspension.

Claimant Moncivais shall now be allowed eight hours pay for each workday beginning July 23, 1986 through August 6, 1986."

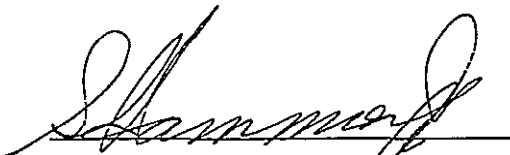
Findings:

The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

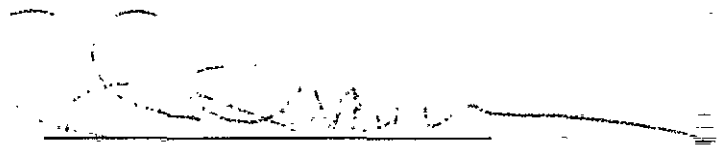
The Claimant was afforded a fair and impartial hearing. Claimant is employed to perform his duties at certain established times. The evidence reveals that he was aware of those responsibilities, but chose instead to imprudently rely on others to meet his obligations. In light of all the circumstances obtaining, the Board finds that a 5-day disciplinary suspension is a more appropriate sanction for the infraction involved.

**Award:** Claim sustained, in part, as per findings.

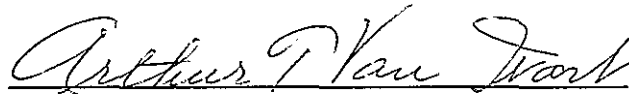
**Order:** Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.



S. A. Hammons, Jr.  
Employee Member



J. J. Shannon  
Carrier Member



Arthur T. Van Wart, Chairman  
and Neutral Member

Issued: July 28, 1988