

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 309
Case No. 309
File No. 247-7323

Parties Brotherhood of Maintenance of Way Employes
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 on March 26, 1986, it assessed a 15-day actual suspension against the personal record of former Track Foreman K. L. Harmon, SSA: 499-62-0839.

Claimant Harmon shall now be allowed compensation for all time lost including any holidays and overtime that would have occurred during his suspension."

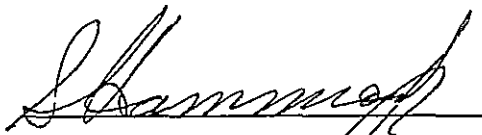
Findings:

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.

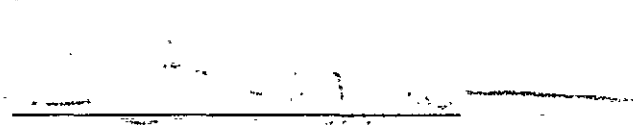
A careful review of the record discloses that Claimant was afforded a fair and impartial hearing. However, the record does not contain sufficient probative evidence to support the culpability determination made by Carrier. As a result, this Board has no alternative but to set aside the 15-days disciplinary suspension assessed Claimant K. L. Harmon on March 26, 1986.

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. Hammons, Jr.
Employee Member



J. J. Shannon
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988