

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 311
Case No. 311
File No. 247-7425

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 on April 25, 1986, former Track Foreman J. M. Dale, SSN: 512-44-9804, was dismissed from the service.

Mr. Dale shall now be allowed eight hours' pay per day, including overtime and holidays falling therein because of his dismissal as a result of the investigation held at Coffeyville, Kansas, on April 21, 1986, until reinstated to service with seniority, vacation and all other rights unimpaired."

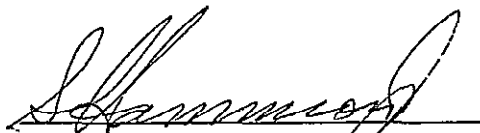
Findings:

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.

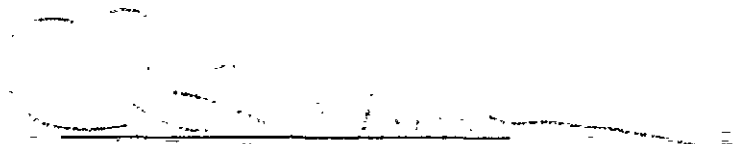
The record discloses that Claimant was afforded a fair and impartial hearing. As to the substantive issues presented, the Board is constrained to find that the failure of subordinate employees to perform their duties in conformity with the rules, on the facts of this case, is not solely or properly attributable to misfeasance on Claimant's part. Therefore, in light of all circumstances obtaining, the 30-days disciplinary suspension assessed Track Foreman J. M. Dale on April 25, 1986 should be expunged from his record and he should be allowed pay for lost wages.

Award: Claim sustained as per findings.

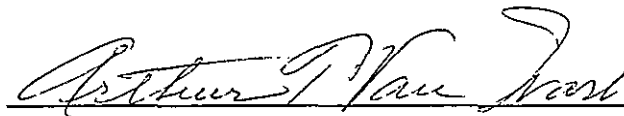
Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.



S. A. Hammons, Jr.
Employee Member



J. J. Shannon
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988