

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 319

Case No. 319

File No. 247-7320

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

Statement

of Claim: (1) Carrier violated the current working Agreement, especially Rule 12, when Welder Helper J. A. Watson was dismissed from the service effective May 9, 1986.

(2) Claimant Watson shall now be allowed eight hours pay for each day, including any holidays falling therein, and for any overtime which would have accrued to him, beginning April 4, 1986. Claim to continue until Mr. Watson is reinstated to service with seniority, pass and vacation rights unimpaired.

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

Claimant, on April 3, 1986, was working as a Welder Helper on Gang 7365 in the vicinity of Gilgore, Texas. As a result of an incident occurring that date, Carrier issued notice for his attendance at a formal investigation, on the charge:

"...the alleged report that you were quarrelsome and exhibited conduct unbecoming an employee with the Union Pacific Railroad on the morning of April 3, 1986..."

As a result of the hearing held on May 1, 1986 Carrier concluded Claimant to be culpable. He was dismissed from service as discipline therefor.

The Board finds that Claimant was accorded the due process to which entitled under Rule 12.


There was sufficient evidence adduced, including the admissions of Claimant, to support Carrier's conclusion as to Claimant's culpability.

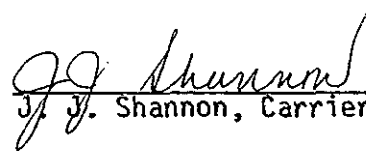
The Board finds mitigating circumstances in the record to permit a modification of the discipline imposed. Therefore, Claimant shall be reinstated with all rights unimpaired but without pay for any time out of service and he is to be placed in a six month probationary status during


which period the Rules of his Agreement, particularly Rule 12, are applicable to him.

Award: Claim disposed of as per findings.

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

  
S. Hammons, Jr., Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued June 13, 1989.