

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 329
Case No. 329
File No. 870347

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 Trackman W. J. Mitchell was dismissed from the service effective on March 12, 1987.

Claimant Mitchell should now, therefore, be allowed compensation for time lost from January 23, 1987 until reinstated with all past privileges, vacation and seniority rights unimpaired."

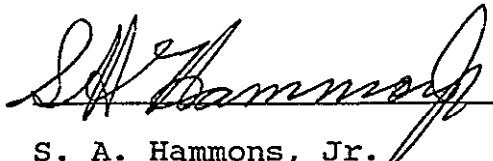
Findings:

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.


Claimant Mitchell was dismissed from service on March 12, 1987 following a formal investigation held on February 17, 1987 on charges that he had improperly removed Company material from Company property without authority for the purpose of sale or trade for personal gain.

Upon careful review of all the facts and circumstances, the Board finds that Claimant was afforded a fair and impartial hearing; that the Carrier's determination of guilt was well founded in substantial record evidence; and, that Claimant Mitchell breached the trust the Carrier placed in him by wrongfully converting the Carrier's property. Dishonesty is a grave offense warranting severe discipline. The Board finds no basis herein to disturb the Carrier's assessment of discipline.

Award: Claim denied.


S. A. Hammons, Jr.
Employee Member


D. A. Ring
J. J. Shannon
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued: March 10, 1989