

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 344

Case No. 344
File 370302

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Track Foreman J. L. Hunter was dismissed from the service of the Carrier on January 14, 1987.

(2) Claimant Hunter shall now be returned to service with all pay for wage loss, and have his seniority, vacation and all other rights restored unimpaired.

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

Track Foreman J. L. Hunter of North Little Rock, was dismissed from service January 14, 1987 account removal of stainless steel from a railroad car on December 9, 1986 and attempting to remove it from company property by placing it in his personal automobile on December 10, 1986. Track Foreman Hunter used Trackman Charles Herring, whom he was supervising, to assist him in the removal of the two pieces of steel.

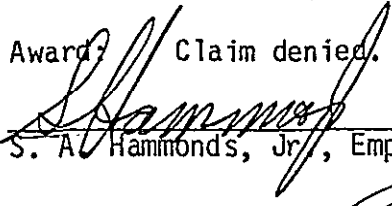
Hunter told Herring that he had permission to remove the steel. After Foreman Hunter told Mr. Herring that he did not have permission to remove the steel, Mr. Herring turned the Track Foreman in to the Special Agent Cotner.

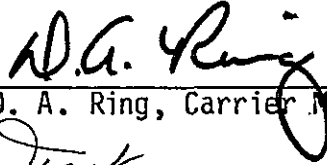
Claimant was accorded the due process to which entitled under his discipline rule.


There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability. The fact that Claimant was carrying the steel around in his car on and off the property still placed the matter in a theft situation.

In the circumstances, this claim will be denied.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
- and Neutral Member

Issued September 30, 1989.