

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 346
Case No. 346
File No. 870505

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 Agreement, especially Rule 12, when Tie Gang Foreman B. R. Scott was assessed a 30 day actual suspension.

Claim in behalf of Foreman Scott for eight hours each work day, including any overtime that would have accrued to him had he not been assessed a 30 day actual suspension. Claim beginning February 23, 1987 and continuing through March 27, 1987. This includes 2 days he was dismissed from service pending investigation."

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

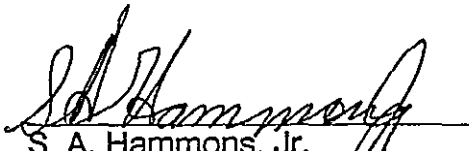
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A review of the record in this case reveals that Claimant Scott was afforded a fair and impartial hearing.

There is substantial evidence on this record to support the Carrier's finding of guilt on the charges preferred; however, as for the proper measure of discipline, the record indicates that Claimant has established an unblemished record during his eight years of service. In consideration of these mitigating factors, the Board finds that the sanction imposed (30 days actual suspension) should be reduced to a thirty (30) days **deferred** suspension.

Award: Claim sustained, in part, as per findings.

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


S. A. Hammons, Jr.
Employee Member


D. A. Ring
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the 10th day of March, 1989
at Tampa, Florida.