

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 354

Case No. 354
File 870666G

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 Trackman W. M. Johnson was dismissed from the service.

(2) Claim in behalf of Trackman Johnson for eight hours each
work day, including any holidays falling therein, and any
overtime that would have accrued to him had he not been
dismissed. Claim beginning April 16, 1987 and continuing
until he is reinstated to service with seniority and
vacation rights unimpaired.

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

Claimant Trackman, W. M. Johnson, was working as such
on Tuesday, April 14, 1987. At approximately 12:54 PM he
was arrested and taken into custody by law enforcement
officers while working on Gang 5690 at Westfield, Spring,
Texas.

A formal notice of investigation was served on Claimant
for being absent without authority. He was dismissed from
service as discipline therefor.

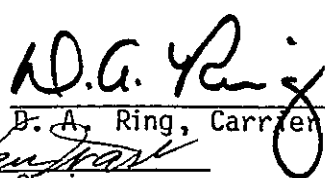
Claimant was accorded the due process to which entitled
under the discipline rule.

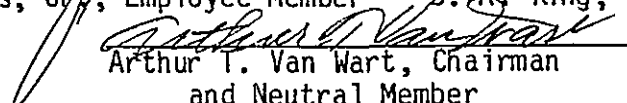
There was sufficient evidence adduced to support
Carrier's conclusion as to Claimant's culpability. His
removal and absence was caused by his own actions.

In light of Claimant's service record and the offense
the discipline is not unreasonable. 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.