

**SPECIAL BOARD OF ADJUSTMENT NO. 279**

Award No. 355  
Case No. 355  
File No. 870680

**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 Trackman A. F. Phillips was dismissed from the service.

Claim in behalf of Trackman Phillips 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 June 22, 1987 and continuing until he is reinstated to service with seniority and vacation 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

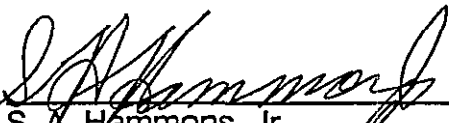
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A review of the record in this case reveals that Claimant Phillips 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.

Due to the gravity of the offense, in conjunction with Claimant's short service and a prior disciplinary suspension for insubordinate behavior, the Board finds that the penalty imposed herein is not unreasonable, arbitrary or capricious; therefore, the Carrier's decision will be upheld.

**Award:** Claim denied.

  
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.