

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 361
Case No. 361
File No. 870757

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 J. A. Thomas was assessed a 30 day actual suspension.

Claim in behalf of Trackman Thomas for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him had he not been assessed a 30 day actual suspension. Claim beginning June 23, 1987 and continuing until July 22, 1987."

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 Thomas was afforded a fair and impartial hearing.


There is substantial evidence on the record that Claimant was guilty of the charges preferred.

Due to the seriousness of the offenses, and finding no mitigation on the record before it, the Board finds that Carrier's decision to assess a disciplinary suspension was not unreasonable, arbitrary or capricious and 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 15th day of March, 1989
at Tampa, Florida