

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 373
Case No. 373
File No. 880045G

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 Joseph Hilliard was assessed a 30 day actual suspension.

Claim in behalf of Trackman J. Hilliard for eight hours each work day, including any overtime that would have accrued to him had he not been suspended during the period November 12 - December 13, 1987."

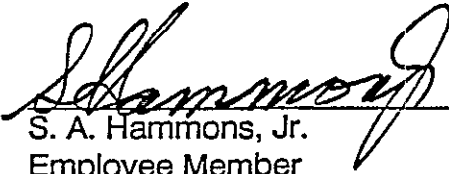
Findings:

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 matter reveals that Claimant Hilliard was afforded a fair and impartial hearing and that there is substantial record evidence to support the Carrier's determination that Claimant was guilty of the charges preferred.

As to the quantum of discipline assessed, the Board finds that the sanction imposed is proportionate to the severity of the offense, especially when viewed against the backdrop of Claimant's prior disciplinary record, which includes: 2 dismissals, and a thirty (30) day actual suspension for the same offense. There are no compelling mitigating factors which persuade the Board to disturb the penalty assessed.

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 19 day of July, 1989
at Washington, D.C.