

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 376
Case No. 376
File No. 871137G

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. Valdez was assessed a 30 day actual suspension.

Claim in behalf of Trackman J. A. Valdez for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him had he not been given a 30 day actual suspension."

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 Valdez was afforded a fair and impartial hearing.

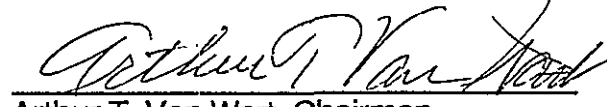
There is substantial evidence on this record to support the Carrier's finding of guilt on the charges preferred; however, as for the proper measure of discipline, the record indicates that Claimant has established an unblemished record during his tenure with the Company. In consideration of this mitigating factor, the Board finds that the sanction imposed (30 days actual suspension) should be reduced to a thirty (30) days **deferred** suspension for this first offense with pay for wage loss suffered, if any.

Award: Claim sustained 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 19 day of July, 1989
at Washington, D. C.