SPECIAL BOARD OF ADJUSTMENT NO. 279

Parties   Brotherhood of Maintenance of Way Employes

to   and

Dispute: Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

**Statement
of
Claim:**

"Carrier violated the Agreement, especially Rule 12, when Tie Gang Machine Operator Dwight Johnson was assessed a 60 day actual suspension.

Claim in behalf of Machine Operator Johnson for eight hours each work day, including any overtime that would have accrued to him had he not been assessed a 60 day actual suspension. Claim beginning February 9, 1987 and continuing through April 9, 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

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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 Johnson was afforded a fair and impartial hearing.
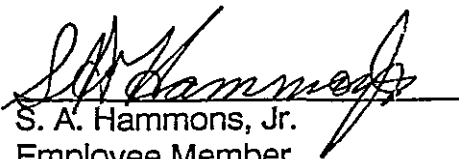
There is substantial evidence on the record to support the Carrier's determination that Claimant was guilty of the charges preferred.

However, as to the quantum of discipline assessed Claimant, the Board finds that the punishment is disproportionate to the severity of the offense; therefore, the discipline assessed Claimant should be reduced to a thirty (30) day actual suspension and he should be paid his wage loss suffered, if any, for the period withheld from service beyond the thirty (30) day actual suspension herein ordered.

Award: Claim sustained, in part, as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance.

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S. A. Hammons, Jr.
Employee Member

D. A. Ring
Carrier Member

Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the _10 th_ day of _March_, 1989

at _Tampa, Florida._