

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 381

Case No. 381
File 870221G

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Machine Operator J. D. Alexander was dismissed from the
service.

(2) Claim in behalf of Machine Operator Alexander for eight
hours each work day, including any holidays falling therein,
beginning February 13, 1987, and continuing until he is
reinstated to service with seniority, vacation and all other
rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties
Agreement establishing this Board.

Following a formal investigation, which was held in
absentia, Claimant was dismissed as discipline for his
failure to release his track and time at 2:45 PM on February
3, 1987.

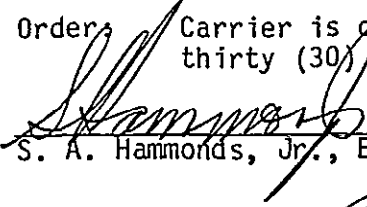
Claimant was accorded the due process to which entitled
under the discipline rule, albeit the investigation was held
in absentia.

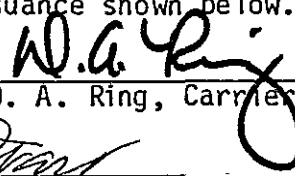
There was sufficient evidence adduced to support
Carrier's conclusion as to Claimant's culpability.


The Board in light of Claimant's service record and
length of service will reinstate Claimant to service without
impairment of any rights and without loss of seniority but
without pay on a conditional basis. Claimant will be placed
in a probationary status for six months to assure that he
understands that it is necessary to release his track and
time to the Train Dispatcher.

Award: Claim disposed of as per findings.

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


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.