

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 383

Case No. 383

File 870423G

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 Welder Helper Charles Qualls was dismissed from the service.

(2) Claim in behalf of Welder Helper Qualls for all wage loss suffered, and restore his seniority, vacation, and all right unimpaired.

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

Claimant Qualls was employed as a Welder Helper on Gang 7304 headquartered at Wynne, Arkansas during the month of November of 1986. Qualls was charged with having falsified the lodging expenses reported for November on his expense account.

A formal investigation was conducted in connection therewith. Claimant was dismissed from service as discipline therefor.

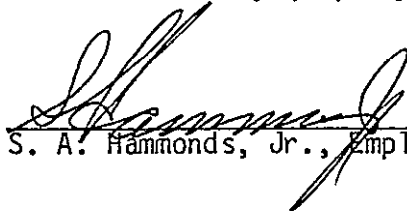
The Welder, Mr. Erby, filled out the expense forms. He marked the days Monday through Friday whereas Claimant who lived 300 miles away would arrive on a Sunday night, stayed Sunday through Thursday.

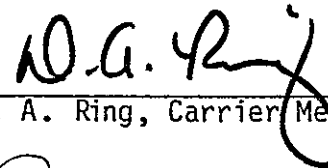
Time limits were raised by the Union in that Mr. Lang under Rule 12 did not timely disallow the claim. The claim letter was dated February 4, 1987. Mr. Lang's denial was dated March 3, 1987, within the sixty (60) days, it was not postmarked until April 7, 1987, well after the allotted time. Proof of the mailing was sent to Carrier.


The Board points out this was a case more of form than substance. Claimant may have been convicted more by reason of the fact that he had been previously guilty of time roll violation and improper use gelco rapidrafts. In any event, his claim is sustained by reason of the time limit violation and he is now on his own.

Award: Claim sustained 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.