

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 392

Docket No. 392
File 880394

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Welder Helper M. R. Brewster was dismissed from service on March 24, 1989.

(2) Claim in behalf of Mr. Brewster for all wage loss suffered and restoration of his seniority, vacation, and all other rights.

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

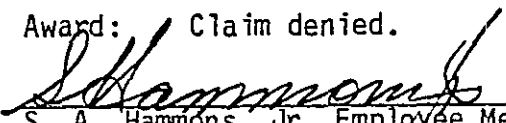
Claimant, following a formal investigation, was advised under date of March 24, 1988, by his Superintendent, that he had been dismissed from service as discipline for his quarrelsome and insubordinate behavior which had resulted in his sustaining a personal injury, about 3:20 PM on Thursday, February 25, 1988, while working as a Welder Helper at Bauxite, Arkansas.


Claimant was accorded the due process to which entitled under Rule 12. That he was not removed from the service is neither a transgression of Rule 30, nor cause for reversal of the discipline. Jim Pinkerton, Manager of Track Maintenance, had driven to Benton to ascertain the injury and the circumstances leading thereto. He never ascertained why Terry Mulholland wanted him pulled out of service. Pinkerton took the Claimant to the hospital and therefor was not in a position to determine or conclude whether he should have pulled the Claimant out of service.


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

This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr. Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 30, 1990.