

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 393

Docket No. 393

File 880424

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 Work Equipment Mechanic T. R. Whittenborn was dismissed from the service.

(2) Claim in behalf of Mr. Whittenborn for eight hours each work day including holidays falling therein, beginning June 22, 1988, 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 for that purpose.

Claimant, following a formal investigation on July 13, 1988 was advised by his Superintendent, on July 18, 1988, that he was dismissed from service as discipline for being absent from his job without proper authority and for his failure to follow and comply with instructions of Mr. Ron Isaacs, Manager Track Maintenance and Mr. J. D. Geis, Supervisor of Work Equipment.

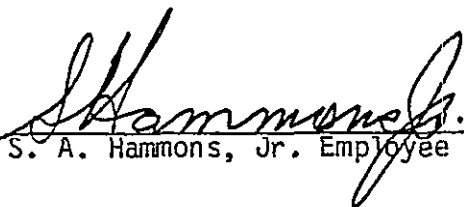
Claimant was accorded the due process to which entitled under Rule 12.

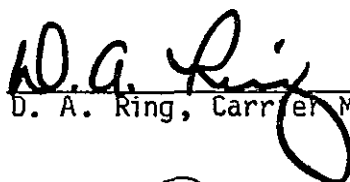
There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability.


There are mitigating circumstances permitting the reinstatement of Claimant with all rights unimpaired but without pay for the time out of service. However, he is admonished that this is his last chance to have an opportunity to demonstrate to Carrier and the Union that he is desirous of protecting his job by not being absent therefrom.

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. Hammons, Jr. Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 30, 1990.