

## **SPECIAL BOARD OF ADJUSTMENT NO. 279**

Award No. 404  
Case No. 404  
File No. 880718

**Parties** Brotherhood of Maintenance of Way Employees  
  
**to** **and**

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

**Statement  
of  
Claim:**

"Carrier violated the Agreement, especially Rule 12, when Trackman Driver P. G. Britton was assessed a fifteen (15) day actual suspension.

Claim in behalf of Mr. Britton for eight hours each work day that would have accrued to him had he not been assessed a 15 day actual suspension. Claim beginning October 11, 1988 and continuing through October 26, 1988."


**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 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 matter reveals that Claimant Britton was afforded a fair and impartial hearing and that there is substantial record evidence to support the Carrier's determination that Claimant was guilty of being argumentative and failing to comply with instructions from proper authority.

Due to the seriousness of Claimant's willful refusals and his short tenure with the company, the Board finds that the Carrier's decision to assess a disciplinary suspension is reasonable under the circumstances.

**Award:** Claim denied.

  
S. A. Hammons, Jr.  
Employee Member

  
D. A. Ring  
Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued on the 10 day of November, 1989  
at Orlando, Florida.