

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 406
Case No. 406
File No. 890067

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 D. L. Maxwell was dismissed from service October 7, 1988.

Claim in behalf of Mr. Maxwell for all time lost, including holidays, seniority, vacation and all other rights unimpaired."

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 case reveals that Claimant Maxwell was afforded a fair and impartial hearing and that there is substantial evidence on this record (including Claimant's own admissions) to support the Carrier's finding of guilt on the charges preferred.

Claimant's lengthy unauthorized absence is a serious offense warranting severe discipline. As noted in Second Division Award 6240:


"The Board has repeatedly pointed out the detrimental effects of absenteeism on the operations of the railroad. (Award 1814 - Carter, Award 5049 - Johnson) The confusion and disruption created when an employee absents himself from work without due notice to supervision is harmful not only to the employer but also to employees as well."

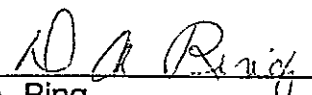
Nonetheless, the Board finds extenuating circumstances in this case which mitigate in favor of offering Claimant Maxwell a last-chance opportunity to order the priorities in his life and commit to becoming a productive, **reliable** member of Carrier's workforce.

Under the circumstances obtaining, Claimant will be reinstated to service, but without compensation for time lost while suspended.

Award: Claim sustained, in part, as per findings.

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


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 Ocala, Florida.