

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 414
Case No. 414
File No. 890319

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 B&B Carpenter J. E. Hardy was assessed a twenty-six (26) day suspension from January 26, 1989 through March 23, 1989, plus a thirty (30) day deferred suspension that he was also required to serve.

Claim in behalf of Mr. Hardy for all time lost."

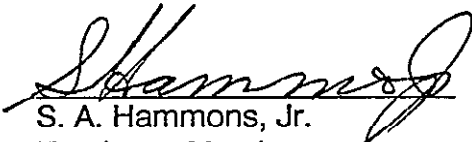
Findings:

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 careful review of the record discloses that Claimant Hardy was afforded a fair and impartial hearing and that substantial probative evidence was adduced at the hearing held February 14, 1989 to support the Carrier's culpability determination.

Due to the seriousness of the offense, and finding insufficient mitigation on the record before it, the Board concludes that the disciplinary suspension assessed is not unreasonable, capricious nor arbitrary and will, therefore, be upheld.

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 16 day of November, 1989
at Orlando, Florida.