

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

Award No. 415  
Case No. 415  
File No. 890320

**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. R. Collins was assessed a 26 day suspension.

Claim in behalf of Mr. Collins for eight hours each work day including holidays from January 26 through February 20, 1989."

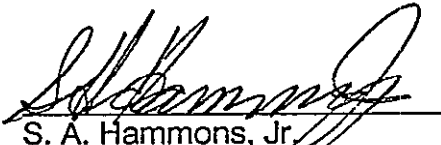
**Findings:**

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 Collins 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 10 day of November, 1989  
at Orlando, Florida.