

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 417

Docket No. 417
File 880403

Parties to Dispute: Brotherhood of Maintenance of Way Employees
and
Union Pacific Railroad Company
(Former Missouri Pacific)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Track Foreman K. C. Pooche was dismissed from the service.

(2) Claim in behalf of Mr. Pooche for eight hours each work day, including holidays, beginning February 6, 1989 and continuing, 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.

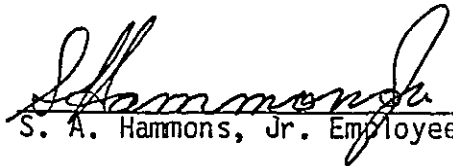
Claimant, as a result of a formal investigation held on February 16, 1989, on the charge that (1) he failed to safely operate a company vehicle and failure to properly report accident with company vehicle (Unit 62438) which was involved with two automobiles at approximately 6:10 AM February 6, 1989; (2) presented yourself in conduct unbecoming an employee when you were cited with driving with a suspended driver's license and hit and run driving (Citation #3472) as a result of vehicular accident February 6, 1989; and (3) failed to comply with instructions set forth in General Order #12 issued May 15, 1988, while you were working as Track Foreman on Gang 1611 in that you failed to notify Carrier that your driver's license was suspended. Claimant was found guilty as a result thereof. He was dismissed from service as discipline therefor.

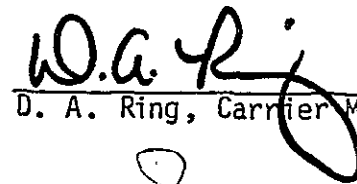
Claimant was accorded the due process to which entitled under his discipline Rule 12.


There was sufficient evidence adduced including Claimant's admission of guilty to support Carrier's conclusion of culpability of the charges.

It was a series of serious charges that creates liability for the Carrier. Therefore, in view of Claimant's record this claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr. Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 30, 1990.