

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 423

File 890536

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

Statement

of Claim: (1) Claim in behalf of System Bridge Gang Carpenter Third Class T. E. Wilson, assessed a fifteen (15) day deferred suspension on April 17, 1989.

(2) Claim in behalf of Mr. Wilson for the removal of the fifteen (15) day deferred suspension. As well as pay for time lost beginning March 27, 1988.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board therefor.

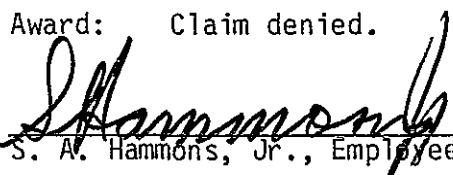
The Claimant, System Bridge Gang Carpenter Third Class, T. E. Wilson, was involved in an altercation with Second Class Carpenter E. C. Mitchell.

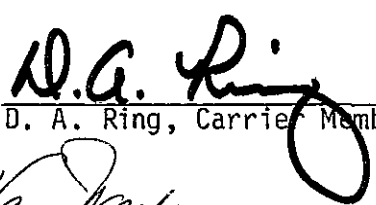
Claimant was accorded the due process to which entitled.

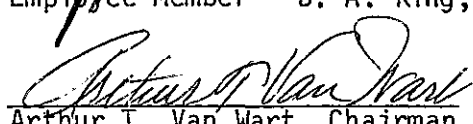
There was sufficient evidence adduced to support Carrier's conclusion that Claimant had provoked the altercation with Mitchell by his oral degrading and insulting assertions.

The discipline, in view of the circumstances, was reasonable. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur I. Van Wart, Chairman
and Neutral Member