

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 438

Case No. 438
UP File 890753

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

Statement of Claim: Claim for and on behalf of Trackman J. L. Anderson, Jr., S.S.#498-62-7237, for eight (8) hours each work day including any over time and holidays, that would have accrued to him, had he not been suspended August 29 - October 20, 1989.

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

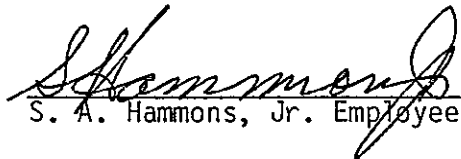
The Claimant Trackman, following a formal investigation, held on August 3, 1989, on the charge of absenting himself without authority on Friday, June 16, 1989, from his position as Trackman on Gang 2800 at Angleton, Texas, was assessed a thirty (30) day actual suspension. Because the Claimant had been previously assessed a thirty (30) day deferred suspension on May 1, 1989 and for which he had served only eight (8) days thereof, the Claimant was required to serve said thirty (30) days plus the remaining sentence thereof or a total of fifty-two (52) days.

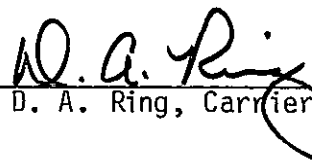
The Claimant was accorded the due process to which entitled under his agreement.

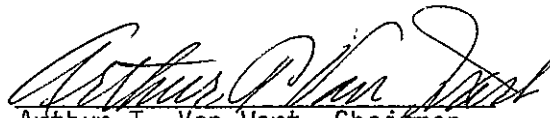
There was sufficient evidence adduced, including the admissions of Claimant, that he had been informed of the proper procedure to follow in order to obtain proper authority to be absent and that he did not receive proper authority to be absent June 16th, to support Carrier's conclusion as to the Claimant's culpability for the charge placed against him.

The discipline, in light of Claimant's problem of absenteeism, is deemed reasonable. 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 December 19, 1990.