

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 440

Case No. 440
UP File 890755

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

Statement

of Claim: Claim on Foreman J. P. Haynes, SSN452-21-1694, for eight (8) hours each work day, including overtime and holidays, that would have accrued to him had he not been dismissed on September 3, 1989, claim to continue until he is reinstated with seniority, vacation and all other rights unimpaired.

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

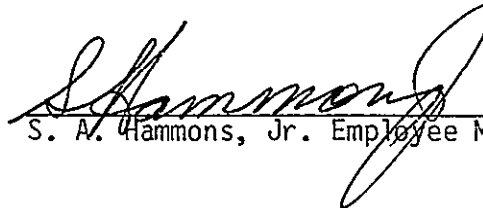
The Claimant Track Foreman, following a formal investigation held in absentia, at Amelia Yard Office, Beaumont, Texas on July 18, 1989, was concluded guilty of the charge of removing a license plate renewal sticker from Company vehicle unit #47638 and placing it on his personal vehicle between Friday, May 26, 1989 and May 30, 1989, while working as Section Foreman of Gang 1636 at Hull, Texas.

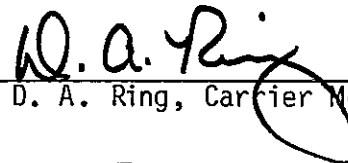
Claimant was accorded the due process to which entitled under Rule 12 - Discipline. While held in absentia, the Claimant is bound by the record developed thereat. He was given proper notification. He had signed for the certified letter giving him notice thereof. The Claimant neither requested a postponement or a reason for his being absent therefrom. Nor was there one from the Union. A request for a postponement from either the Claimant or his Union representative was lacking.


There was sufficient evidence adduced at the investigation to support Carrier's conclusion of the Claimant's culpability. The Carrier's witnesses give evidence that established that Claimant had removed the license plate renewal sticker and placed it on his own vehicle.

In view of the offense and Claimant's previous discipline record, the discipline is found to be 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.