

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 442

Case No. 442
UP File 890757

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

Statement
of Claim: Claim of Trackman Alex Kochinsky, SSN 438-90-2596, for
eight (8) hours each work day, including overtime and
holidays that would have accrued to him had he not been
dismissed, beginning July 24, 1989 and continuing 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.

Claimant was required to attend a formal investigation
held on August 8, 1989, on the charge of (1) absenting
himself without proper authority on Monday, July 17, 1989
while working as Trackman on Gang 1011 at Shreveport, LA,
and (2) the report that he conducted himself with conduct
unbecoming an employee of the Union Pacific Railroad when he
was arrested and charged with simple theft on May 23, 1989,
and arrested and charged with one count of attempted purse
snatching and one count of purse snatching on July 17, 1988
by the Shreveport Police Department.

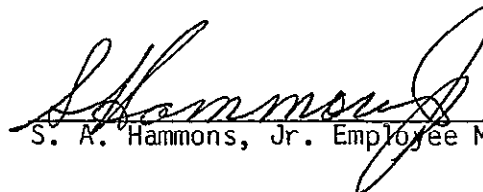
As a result of the investigation held on September 6,
1989, at Shreveport, LA, the Carrier concluded him culpable,
the Claimant was dismissed as discipline therefor.

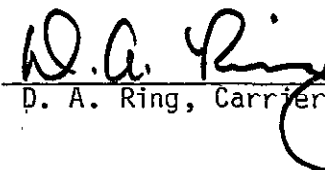
The Claimant was accorded the due process to which
entitled under Rule 12 - Discipline.

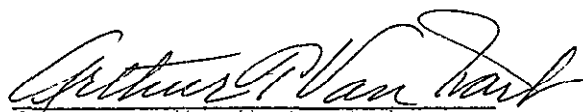
There was sufficient evidence adduced, including the
admissions of Claimant that he was guilty of conduct
unbecoming an employee of the Union Pacific and that the
method he used to report his absence on July 17, 1989 was
not the proper authority and in fact he was absent without
proper authority, to support the Carrier's conclusion, of
Claimant's culpability as to conduct unbecoming an employee
because of purse snatching, simple theft and arrest
therefor. His admissions void the necessity of further

review, as an admission of guilt, in effect, terminates the Board's acting. In the circumstances, 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.