

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 443

Case No. 443
UP File 890758

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Trackman J. L. Porter was dismissed from service on
August 22, 1989.

(2) Claim in behalf of Mr. Porter for wage loss suffered
beginning July 28, 1989, until reinstated with seniority,
vacation and all other rights unimpaired.

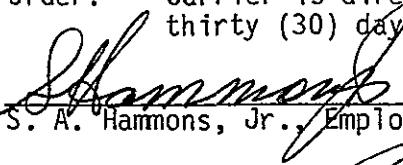
Findings: The Board has jurisdiction by reason of the parties
Agreement establishing this Board therefor.

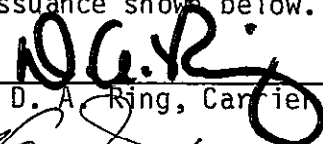
Claimant Trackman, J. L. Porter, was dismissed from
service following a formal investigation, held on the charge
of conduct unbecoming an employee on the charge that he was
insubordinate and quarrelsome to his supervisor for not
complying with instructions issued to him on July 27, 1989
to load water coolers and distribute same among the gang.


The circumstances of this case are such that Claimant
will be reinstated to service without pay for time out of
service subject to his passing the necessary physical
examinations. The time out of service should be a constant
reminder that he must obey instructions from his supervisor
and if he believes such instructions to be improper, or
contrary to his agreement, then he should file a grievance
thereon.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within
thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member