

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 443

Case No. 443
UP File 890758

Parties to Dispute Brotherhood of Maintenance of Way Employees and 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.

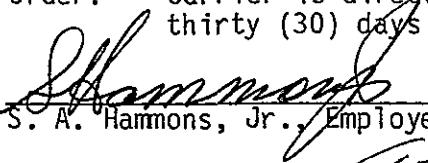
Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board therefor.

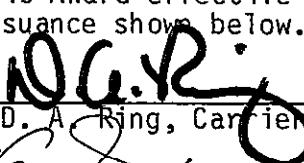
Claimant Trackman, J. L. Porter, was dismissed from service following a formal investigation, held on the charge of conduct unbecoming an employee on the charge that he was insubordinate and quarrelsome to his supervisor for not complying with instructions issued to him on July 27, 1989 to load water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

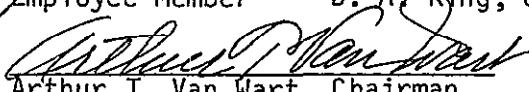
The circumstances of this case are such that Claimant will be reinstated to service without pay for time out of service subject to his passing the necessary physical examinations. The time out of service should be a constant reminder that he must obey instructions from his supervisor and if he believes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