

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 459

Case No. 459
UP File 900044

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. Fowler was dismissed from service on
October 20, 1989.

(2) Claim on behalf of Mr. Fowler for wage loss suffered
beginning October 20, 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 requested permission on September 7,
1989 to attend his uncle's funeral. The absence was
authorized and he departed the job site at noon. Claimant
did not report back to work or secure any authorization to
be off any days thereafter. He returned to the work site on
September 25, 1989.

As a result Claimant was notified to attend a formal
investigation on the charge:

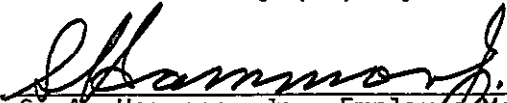
"...he had not reported for his assignment or contacted the
proper representative regarding his unauthorized absence for
September 8, 1989 through September 22, 1989."


As a result Carrier found him culpable and he was
dismissed from service as discipline therefor.

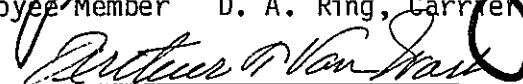
Suffice to say, the Board will conditionally reinstate
Claimant to service with all rights unimpaired but without
pay for any time out of service on a last chance basis and
he will be placed in a two year probationary status during
which Rule 12 will apply.

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

Issued March 20, 1991.