

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 460

Case No. 460  
UP File 900045

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

Statement

of Claim: Claim on behalf of Track Foreman L. Toussaint, SSN 437-74-2311, for eight (8) hours each work day, including overtime and holidays, that would have accrued to him had he not been dismissed, beginning October 31, 1989, claim to continue until he has been reinstated with seniority, vacation and all other rights unimpaired.

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

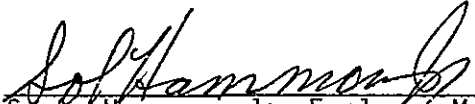
Claimant was dismissed from service for improper use of rapiddrafts.

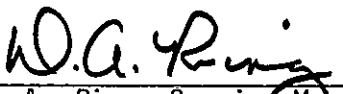
Claimant was accorded the due process to which entitled under Rule 12 - Discipline.

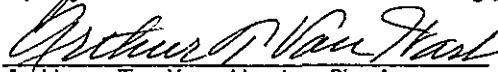
There was sufficient evidence adduced, including the admissions against interest by Claimant that he was guilty of misusing the rapiddrafts as alleged in connection with the purchase of cigarettes and gasoline for his personal trucks, that he verified that the statement that he had signed was accurate and that he understood the instructions issued concerning the proper use of rapiddrafts.

In view of the offense and particularly Claimant's discipline record, 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