

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 462

Case No. 462
UP File 900107

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 Driver M. T. Becerra was suspended from service on December 1, 1989.

(2) Claim on behalf of Mr. Becerra for wage loss suffered beginning December 10, 1989, during 8-day suspension of December 10, 1989 through December 17, 1989.

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

During the summer of 1989, Claimant and another employee came to work an hour earlier (6:00 AM) to secure ice and water for the gang. The Claimant would then report to the gang site for role call, job briefing, reading of the rules and exercises. The Track Supervisor, on October 24, advised that effective October 25, 1989, Claimant was to tie his truck up at Utica, Kansas and commence getting some water and ice for the gang at 7:00 AM at Hagens Repair. Thus, the one hour overtime was eliminated.


He reported to the gang site on October 25th at 7:00 AM for role call. After he reported in Mr. Ware came up and asked him why he was not at Utica getting the ice and water. A serious discussion ensued. The Claimant was subsequently charged to attend an investigation on the charge that he failed to perform assign work and that he was also argumentative and quarrelsome with Supervisor D. E. Ware. As a result he was Carrier found him culpable and he received 30 days actual suspension as discipline therefor.

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


There was sufficient evidence adduced, including the admissions of Claimant, to support Carrier's conclusion of culpability.

The discipline in the circumstances, is not unreasonable. 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 March 20, 1991.