

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 465

Case No. 465
UP File 900128

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 Bridge Tender E. Johnson Jr. was dismissed from service
on January 10, 1990.

(2) Claim on behalf of Mr. Johnson for wage loss suffered
beginning December 4, 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.

The Claimant Bridge Tender, E. Johnson, Jr., was
employed as such on December 2, 1989 at the San Bernard
River Bridge. The Claimant left his assigned position at
approximately 6:30 PM, some 3 1/2 hours prior to the end of
his shift without proper authority. A fire on the San
Bernard River Bridge was reported at 9:55 AM on Sunday,
December 2, 1989.

Claimant was notified to attend a formal investigation
on the charge of leaving his position without proper
authority. Carrier found him culpable. He was dismissed
from service as discipline therefor.

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

There was sufficient evidence adduced, to support the
conclusions reached by Carrier. The Claimant admitted that
he had left his assignment at 6:30 PM. He also admitted
that he did not notify either the Dispatcher, or any other
Company employee, that he was leaving. It was also
testified that the Claimant admitted to the Manager of Truck
Maintenance that he had taken upon himself to leave the
bridge prior to his quitting time and he gave no excuse
/reason, at that time, for his actions.

The discipline assessed in the circumstances is not
deemed unreasonable. This claim will be denied.

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Award *S. A. Hammons, Jr.* Claim denied.

S. A. Hammons, Jr.
S. A. Hammons, Jr., Employee Member

D. A. Ring
D. A. Ring, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 20, 1991.