

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 501

Case No. 501
File 900596

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

Statement

of Claim: 1. Carrier violated the Agreement, especially Rule 12, when Machine Operator L. K. Fountana was suspended from service on June 29, 1990.

2. Claim on behalf of Mr. Fountana for wage loss suffered beginning June 11, 1990, until July 18, 1990.

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

As a result of a formal investigation on the charge of absenting himself without proper authority, Claimant was issued a discipline notice imposing a thirty (30) day deferred suspension for violation of General Rules A and B, Rule 604 of the Safety, Radio and General Rules for all Employees. Because the Claimant had been previously disciplined with a thirty day deferred suspension on May 8, 1990 Claimant was thus required to serve the thirty day suspension.

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

There was sufficient evidence adduced to support Carrier's conclusion that Claimant did not receive permission from his Foreman. However, the record discloses that he did tell the acting Assistant Foreman that he was going because he did not feel well and said that Assistant Foreman did not question him.

In the circumstances the Board will reduce this suspension to a letter of reprimand.

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.

Sol 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