

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 502

Case No. 502  
File 900603

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when K. C. Fletcher was dismissed from service on June 14, 1990.

(2) Claim in behalf of Mr. Fletcher for wage loss suffered beginning June 14, 1990 until reinstated with seniority, vacation, and all other rights unimpaired.

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

Claimant was notified under date of June 18, 1990 to attend a formal investigation on the charge:

"...place the responsibility, if any, in connection with the reported altercation while you were working on tie gang #9165 on the Longview Subdivision near MP 17 at approximately 2:30 PM Wednesday, June 13, 1990."

Carrier concluded therefrom that Claimant was culpable. He was dismissed from service on June 14, 1990, therefor.

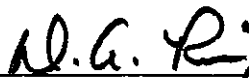
The discipline in the circumstances of this case appears excessive. It was a quarrel that occurred on a very hot day. However, while argumentative the Claimant was not the provocation of the incident concerning the knife. Consequently, we believe that Claimant should not have received more than a 90 day suspension. Therefore, his service record should be adjusted accordingly and he paid for the difference.

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