

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 508

Docket No. 508

File 900652

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when B&B Carpenter J. R. Price was dismissed on July 30,
1990.

(2) Claim on behalf of Mr. Price for wage loss suffered,
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.

The Claimant, B&B Carpenter J. R. Price, following a
formal investigation, held on July 30, 1990, on the charge:

"...left your work assignment without proper authority at
7:20 A.M., July 24, 1990, at the San Marcos Depot, San
Marcos, Texas."

was found to be culpable of the charge. He was dismissed
from service as discipline therefor.

The Board finds that Claimant was accorded the due
process to which entitled under Rule 12.

There was sufficient evidence adduced, including the
admissions against interest by the Claimant, to support the
Carrier's conclusion of the his culpability. The record
reflects that on July 24, Manager of Bridge Maintenance J.
D. Bateman visited the Claimant's Gang to deliver some
investigation notices on another matter to Claimant and some
other employees. The Claimant was specifically told several
times that he was not being pulled out of service therefor.
Notwithstanding, Claimant took it upon himself after doing
daily exercises to leave the Gang after announcing that he
was going home. It was noted that the Claimant admitted
that he knew that he was not being removed as a result of
above said investigation notice. Clearly, the record shows
that he voluntarily walked off the job site and thus
absented himself without authority.


Notwithstanding, the Board finds cause to conclude that it will return Claimant to service with all rights unimpaired but without any pay for time out of service and with the admonition that the Claimant better shape up or be prepared to ship out.

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


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 24, 1992.