

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 509

Docket No. 509

File 900653

Parties     Brotherhood of Maintenance of Way Employes  
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 received a 30-day deferred  
suspension on August 2, 1990.

(2) Claim on behalf of Mr. Price that all reference to this  
incident be stricken from his personal record.

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:

"...you were displaying quarrelsome and threatening action  
as well as directed racial derogatory remarks against your  
fellow employees while working as B&B Carpenter on Gang No.  
1203 near Austin, Texas, on Wednesday, July 11, 1990."

was found to be culpable of the charge. He received a 30  
day deferred suspension on August 2, 1990 as discipline  
therefor.

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

There was sufficient clear, competent and probative  
evidence adduced to support the Carrier's conclusion of  
Claimant's culpability. The law of the land and the  
Carrier's policies in connection therewith for carrying out  
that law, as well as an employee's self-interest in  
maintaining a harmonious relationship among the employees,  
requires that an employee, such as the Claimant, who makes  
racially derogatory, threatening and quarrelsome remarks,  
either must change drastically or face the one means of  
eliminating that particular human relationship problem.

Consequently, the Board concludes that the discipline imposed in light of the circumstances and the facts of this case was most reasonable. This claim will be denied.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
R. O. Rock, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued March 24, 1992.