

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 520

Docket No. 520

File 910053

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 Trackman R. Love was dismissed on April 18, 1990.

(2) Claim on behalf of Mr. Love 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, Trackman Raymond Love, following a formal
investigation held on August 13 and September 11, 1990 on
the charge:

"...You were allegedly under the influence of intoxicants on
company property at roll call on April 18, 1990 at
approximately 8:00 AM while assigned as Track Laborer in
Gang 9111, in the vicinity of Denton, Texas."



was found to be culpable and dismissed from service as
discipline therefor.

The Board finds that the Claimant was accorded the due
process to which entitled under Rule 12. The cancellation
of the June 18 investigation concerned the date of April 19.
The other investigation concerned that of April 18.
Further, such error could not be deemed so egregious as to
be cause for reversal of the discipline imposed.

There was sufficient evidence adduced to support the
Carrier's conclusion as to Claimant's culpability. The
Carrier concluded from the transcript that the Claimant had
been drinking alcohol and smoking marijuana on the morning
of April 18, 1990. See, among others, at T-47-64 and 65.

The discipline imposed in light of the offense and
Claimant's record, is deemed not unreasonable. 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 April 24, 1992.