

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 523

Docket No. 523

File 910056

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

Statement of Claim:

(1) Carrier violated the Agreement, especially Rule 12, when Trackman T. M. Hines was assessed a 15-day actual suspension on August 15, 1990.

(2) Claim on behalf of Mr. Hines for wage loss suffered, beginning August 20, 1990 until September 18, 1990.

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

The Claimant, Trackman T. M. Hines, following an investigation on a charge of failure to properly protect your assigned job as a Trackman on July 10, 11, 12, 13 and 16, 1990, was found to be culpable. He was assessed a 15 day suspension as discipline therefor. Carrier's action caused the existing fifteen (15) days deferred suspension account absence without proper authority on May 7, 8, 11 and 21, 1990 to also be served in conjunction with the actual suspension. Thus, the Claimant served 30 days actual suspension from service because of his inability to protect the requirements of service.


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


There was sufficient evidence adduced which supported the Carrier's conclusion as to the Claimant's culpability. The contention that the Carrier must permit the taking of a vacation out of sequence is just not supported by the agreement thereon or by the fact. It may do so if circumstances permit. Carrier, except as otherwise constrained by Agreement rules, is free to conduct its operations in an efficient manner as it deems best.

The discipline imposed is reasonable. The Carrier determines the need for protecting requirements of its service and the Claimant had an obligation to report on time and work his scheduled hours absent a good and sufficient

reason to be either late, absent or to leave early. 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.