

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 524

Docket No. 524  
File 910058

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 G. L. Bacon was dismissed on August 16, 1990.

(2) Claim on behalf of Mr. Bacon 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 Gregory L. Bacon, attended a  
formal investigation held on Monday, September 10, 1990, on  
the charge:

"...you have allegedly absented yourself from duty without  
proper authority from August 1, 1990 to, and, including this  
date."

The Carrier concluded culpability therefrom. Carrier,  
in light of the offense and the Claimant's service record  
dismissed him from service as discipline therefor.


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

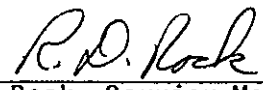
There was sufficient evidence adduced including the  
admissions of Claimant that he was absent from duty without  
authority during the period in question due to his  
incarceration being in jail. Also the Claimant admitted  
that he had been found guilty of theft over \$150 and  
sentenced to two years probation in connection with that  
incarceration.

The discipline, particularly in view of Claimant's  
abominable discipline record, which includes two dismissals,  
all of which discipline, except two, concerned a failure to  
protect his assignment, depicts an employee who does not  
care to protect his employment or to work for the Union  
Pacific Railroad. The Carrier should not be required to

keep in its employ such an employee. 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.