

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 535

Docket No. 535
File 910240

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

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12,
when Track Foreman L. E. Allen was assessed a 30-day
suspension on January 21, 1991.

(2) Claim on behalf of Mr. Allen for wage loss suffered,
beginning January 22, 1991 until February 20, 1991.

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

Claimant Track Foreman L. E. Allen, Sr., attended a
formal investigation held on January 15, 1991, on the
charge:

"...your failure to properly release your track time while
working as Track Foreman of Gang 1715 between CPLD 42 and
CPLD 63 on January 4, 1991."

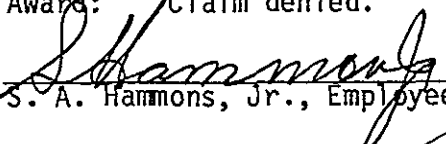
The Carrier found Claimant to be culpable and imposed a
30 day actual suspension as discipline therefor.

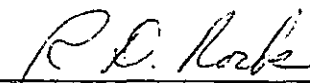
Claimant was accorded the due process to which entitled
under Rule 12.

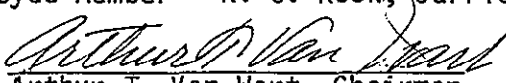
There was sufficient evidence adduced to support
Carrier's conclusion of culpability.

The Claimant had been previously counselled on the same
issue several months prior. The rule involved is just too
important to pass over lightly.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 27, 1992.