

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 548

File 910369

Docket No. 548

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

Statement
of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when W. T. Bishop was dismissed from service on March 17,
1991.

(2) Claim in behalf of Mr. Bishop for wage loss suffered
beginning March 17, 1991, until reinstated with seniority,
vacation and all other rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties
Agreement establishing this Board for that purpose.

The Claimant Trackman was pulled out of service for an
alleged violation of Rule G at 10:00 AM on Sunday, March 17,
1991.

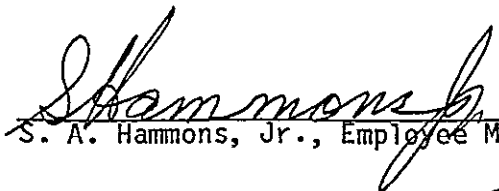
A formal investigation was held in connection
therewith. On the basis of the evidence adduced Carrier
concluded culpability. The Claimant's service record was
reviewed and he was dismissed from service as discipline
therefor.

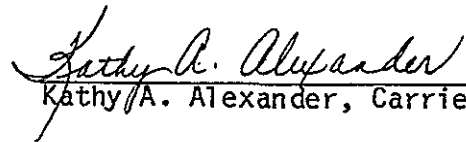
Claimant was accorded the due process to which entitled
under his discipline rule. In fact, the investigation was
recessed and resumed on March 25 in order to present two
employee witnesses.


There was sufficient evidence adduced, to support the
conclusion of Carrier that Claimant was in violation of Rule
G.

The discipline was not unreasonable. The Claimant had
previously been dismissed therefore for the same offense in
1983. The Claimant did not ask for a blood test or an
urinalysis. He was medically disqualified in 1990. We find
no cause in the record to change the discipline imposed.
This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy A. Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 28, 1992.