

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 549

File 910387  
Docket No. 549

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 R. E. Evans was assessed 90 days actual suspension on  
March 27, 1991.

(2) Claim in behalf of Mr. Evans for wage loss suffered  
beginning March 27, 1991 through June 29, 1991.

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

The Claimant on March 27, 1991 was assigned to provide  
flag protection for a contractor working at the east end of  
Alexandria, Louisiana yard.

When the Assistant Track Supervisor, G. F. Salard,  
arrived at the crossing where the Claimant was to provide  
flag protection at 8:40 AM, the Claimant was not there. The  
Claimant arrived some 15 minutes later.

A formal investigation was held in connection with the  
charge of absenting himself without proper authority from  
his responsibility as Flagman on Gang 1736 and for his  
failure to comply with written instructions from Foreman  
Salard which instructed him not to leave a location where he  
is providing flag protection without proper authority.

As a result thereof, Carrier concluded the Claimant to  
be culpable. He was assessed a 90 days suspension therefor.

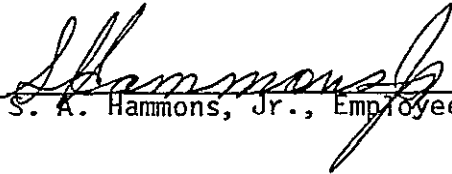
Claimant was accorded the due process to which entitled  
under his discipline rule.

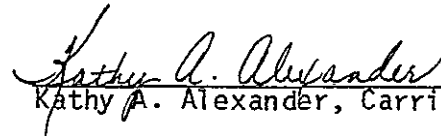
There was sufficient evidence adduced including the  
Claimant's admissions against interest, to support Carrier's  
conclusion as to the Claimant's culpability.

The discipline in view of this record and his service  
record will be reduced to sixty (60) days suspension.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within  
thirty (30) days of date of issuance shown below.

  
S. A. Hammons, Jr., Employee Member

  
Kathy A. Alexander, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued November 28, 1992.