

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 571

Case No. 571

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
             when C. F. Ferguson was dismissed from service on August  
             23, 1991.

(2) Claim in behalf of Mr. Ferguson for wage loss suffered  
beginning August 23, 1991, until reinstated with seniority,  
vacation and all other rights unimpaired.

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

              Claimant was advised under date of October 89, 1991:

"Enclosed is the transcript of the formal disciplinary  
investigation held at 10:40 A.M. on September 27, 1991...  
regarding that you allegedly were dishonest when you cashed  
payroll vouchers for the second half of May 1991, first half  
of June 1991, second half of June 1991, and first half of  
July 1991, which were issued in error as a result of your  
former position as engineering inspector-fiber optics...

I have found more than a sufficient degree of evidence was  
presented to warrant sustaining all charges brought against  
you.


Accordingly, you are hereby dismissed from the service of  
the Union Pacific Railroad Company."

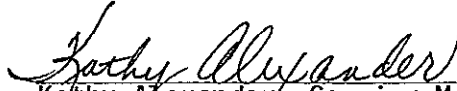
              The Board finds that the Claimant was accorded the due  
process to which entitled under Rule 12 - Discipline.

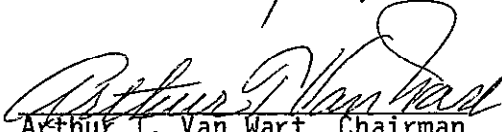
              There was sufficient evidence adduced to support  
Carrier's conclusion as to the Claimant's culpability. The  
Claimant was issued four payroll vouchers erroneously. He  
chose to cash them. When advised of the error he refused to  
return the money thereof which amounted to \$4,032.56.

              The discipline of dismissal issued for this dishonest  
act is not considered unreasonable. This claim will be  
denied.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
Kathy Alexander, Carrier Member

  
Arthur I. Van Wart, Chairman  
and Neutral Member

Issued May 22, 1993.