SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 574

Case No. 574

Parties

Brotherhood of Maintenance of Way Employes

to and

Dispute

Union Pacific Railroad Company

(Former Missouri Pacific Railroad

Statement

- of Claim: (1) Carrier violated the Agreement, especially Rule 12, when K. E. Harmon was dismissed from service on September 17, 1991.
 - (2) Claim in behalf of Mr. Harmon for wage loss suffered beginning September 17, 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.

The Claimant Machine Operator was advised under date of September 27, 1991 in part as follows:

"Enclosed is the transcript of the formal disciplinary investigation... regarding that while working as Machine Operator on Gang 9164 in the vicinity of Addis, Louisiana, you were allegedly absent without proper authority on the dates of August 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19 and 20, 1991...

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

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

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

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

The discipline in view of his record is not deemed unreasonable. He had been warned previously on three different occasions. He was given letters of conference about excessive absenteeism. He waived his right to an investigation once and received 15 days deferred for excessive absenteeism. Claimant gives the appearance of one

who does not desire to work for the Carrier and is not a dependable employee. In the circumstances, this claim will be denied.

Award:

Claim denied.

S. A. Hammons, Jr., Employee Member

Kathy Alexander, Carrier Member

rthur T. Van Wart, Chair and Neutral Member

Issued May 22, 1993.