

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 581

Case No. 581

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 J. L. Hare was assessed 30 days actual suspension.

(2) Claim in behalf of Mr. Hare for wage loss suffered
beginning December 16, 1991 and removal of said discipline
from his record.

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

The Claimant Machine Operator was notified to attend a
formal investigation held on December 3, 1991 on the charge:

"Alleged failure to adhere to verbal agreement reached
between Manager of Track Maintenance Jesse Guerra and
yourself for you to go to Putnam, Texas on Friday, October
18, 1991 to observe Mr. R. Maples operate ballast regulator
on his territory in order to ascertain what you needed to do
to correct the problems you were having in operating the
ballast regulator to which you were assigned, and you
subsequent failure to protect your assignment on Monday,
October 21, Tuesday, October 22, Wednesday, October 23 and
Friday, October 25, 1991 account of 'allegedly taking it
upon yourself' to turn in timeslip for 'travel time' and
charge same to the Carrier without proper authorization, and
your subsequent insubordination to your manager and the
falsification of your timeslips."


Claimant as a result thereof was given a disciplinary
suspension of thirty actual days plus 30 days of deferred
suspension as discipline therefor.

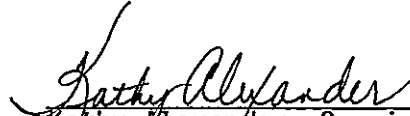
Claimant was accorded the due process to which entitled
under Rule 12.


The evidence adduced did not support the conclusion of
the Carrier. The Claimant's actions were taken as a result
of the approval of his Foreman and the Foreman's
timekeeping. Therefore the Claimant should not have been
found culpable nor disciplined therefor.

Award: Claim sustained.

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 Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.