

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 613

Docket No. 613  
File 930043

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when B. K. Williams (SSN 437-04-2916) was dismissed from  
service on October 9, 1992.

(2) Claim in behalf of Mr. Williams for wage loss suffered  
beginning September 21, 1992, and continuing until Claimant  
is reinstated to service with seniority, vacation and all  
other rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties  
Agreement establishing the Board therefor.

The Claimant Welder was notified July 10, 1992 that he  
had been assigned to Bulletin OTP250, Welder, Gang 20360 and  
to report thereto July 13, 1992. He did not report. A show  
cause letter was issued. The Claimant, who had a history of  
absenteeism, responded but the response was deemed  
insufficient to show just cause. He was withheld from  
service and an investigation held. The Carrier concluded  
therefrom that the Claimant was culpable. He was dismissed  
from service as discipline therefor.

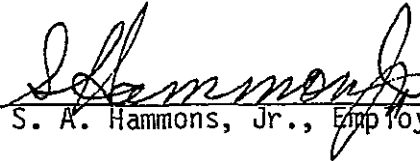
The Claimant was accorded the due process to which  
entitled under his discipline rule .

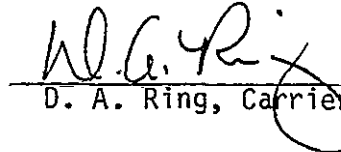
There was sufficient evidence adduced to support  
Carrier's conclusion as to his culpability.


The discipline was not unreasonable. The record is  
such that mitigation of the discipline is indicated. The  
Claimant will be reinstated on a last chance basis with all  
rights unimpaired but without pay for time out of service.  
He should meet with his Union representative and a  
designated Carrier representative to review his record. Also  
if possible, decide whether EAP could be of assistance to  
reach his apparent real problem.

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

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued January 31, 1994.