

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 621

Docket No. 621
File 930402

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 J. H. Moncivias (SSN 467-45-2337) was dismissed from
service March 11, 1993.

(2) Claim in behalf of Mr. Moncivias for wage loss suffered
beginning March 11, 1993 and continuing until Claimant is
restored 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.

Claimant Trackman-Driver J. H. Moncivias suffered an
eye injury February 22, 23 and 24, 1993. He was released to
duty on Thursday and Friday, February 25 and 26. The
Claimant contacted the Manager of Track Maintenance T. J.
Menchaca and requested vacation days for Thursday and
Friday. Request was denied and he was instructed to report
to work. Claimant did not report as instructed. He was
notified to attend a formal investigation. As a result
thereof the Carrier concluded him to be culpable on the
charge of failing to follow instructions. The Claimant 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 the
Carrier's conclusion of culpability.

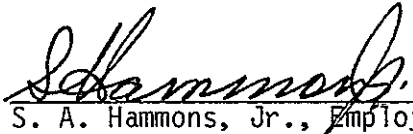
The record permits the Board to conclude that the
Claimant should be given a last chance opportunity to
demonstrate to all that he desires to work for the Union
Pacific Railroad.


Therefore, he will be conditionally reinstated on a
last chance basis with all rights unimpaired but without pay
for time out of service and pass the physical examinations.
Before returning to service he should meet with designated

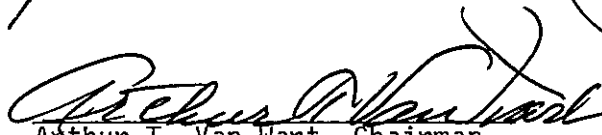
Carrier and Union representatives to review his record and clearly understand the significance of the entries.

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 February 13, 1994.