

SPECIAL BOARD OF ADJUSTMENT NO. 280

PARTIES ) BROtherHOOD OF MAINTENANCE OF WAY EMPLOYEES  
TO )  
DISPUTE ) ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

STATEMENT OF CLAIM:

"1. Carrier violated the effective Agreement when Sherman J. Sanders was unjustly dismissed from service per letter dated December 10, 1984, and was not afforded a fair and impartial investigation.

2. Claimant Sanders shall now be reinstated to service with all seniority rights unimpaired and compensated for all lost wages, beginning October 17, 1984." (SSW-D-1175-Sanders; 53-799)

FINDINGS:

The Board, after hearing upon the whole record and all the evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended; this Board has jurisdiction over the dispute involved herein; and, the parties were given due notice of hearing thereon.

Careful study of the transcript of hearing accorded Claimant support a finding that Carrier had just cause to hold that Claimant had been in violation of Rules M-801, M-810 and M of Carrier's Rules and Regulations for the Government of Maintenance of Way Employees on October 17, 1984.

This record reveals that Claimant had acted in a irresponsible manner when confronted about a complaint he was making about an alleged recurrence of a personal injury and arrangements were being made for him to be examined at a local hospital. He was not only guilty of a failure to follow the instructions of his supervisors, but exhibited a careless disregard with respect to his own safety and the safety of others by jumping from a moving company vehicle which was taking him to an emergency room at the hospital for observation. Further, by abruptly leaving company property in his personal vehicle after he had jumped from the company pickup truck, Claimant was guilty, as also charged, of leaving company property without permission.

In the circumstances of record, particularly when viewed in the light of Claimant's past record of service, which shows he had been disciplined on six separate occasions over the past two and one-half years for violations of Rule 810 in connection with absences from work, the Board cannot say that the ultimate penalty of dismissal from all service represented administration of harsh

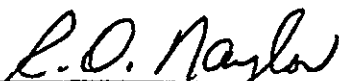
or unreasonable discipline. The instant claim will, therefore, be denied.

AWARD:

Claim denied.



Robert E. Peterson, Chairman  
and Neutral Member



R. O. Naylor  
Carrier Member



M. A. Christie  
Organization Member

Houston, TX  
August 29, 1986