

SPECIAL BOARD OF ADJUSTMENT NO. 1127

**AWARD NO. 6
CASE NO. 6**

**PARTIES TO
THE DISPUTE:** **Brotherhood of Maintenance of Way Employees**

vs.

**Union Pacific Railroad Company
(Former Southern Pacific Transportation Company-Western Lines)**

ARBITRATOR: **Gerald E. Wallin**

DECISION: **Claim sustained in accordance with the Findings.**

DATE: **April 2, 2001**

STATEMENT OF CLAIM:

Was the dismissal of John A. Thompson for just cause?

FINDINGS OF THE BOARD:

The Board, upon the whole record and on the evidence, finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by agreement of the parties; that the Board has jurisdiction over the dispute, and that the parties were given due notice of the hearing.

The unique circumstances disclosed by our review of the hearing transcript show the penalty of dismissal to be excessive. Claimant must be offered reinstatement to his former employment with his discipline reduced to a 30-day suspension for just cause. Accordingly, he should be made whole for all lost compensation in excess of 30 days.

AWARD: **The Claim is sustained in accordance with the Findings.**


Gerald E. Wallin, Chairman