

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 252

Case No. 252

Parties     Brotherhood of Maintenance of Way Employees  
to           and  
Dispute     Union Pacific Railroad Company  
              (former Missouri Pacific Railroad Company)

Statement  
of Claim: "Carrier violated the current working agreement, especially  
Rule 12, when System Rail Gang Trackman J. Nez was dismissed  
from service effective September 20, 1984.

Claimant Nez should now be allowed eight (8) hour each work  
day, including any holidays following therein and any  
overtime which would have accrued to him, beginning September  
20, 1984, continuing until reinstated to service with  
seniority, vacation and other rights restored."

Findings: The Board has jurisdiction of this case by reason of  
the parties Agreement of January 5, 1959.

Claimant Trackman, following a formal investigation, on  
August 23, 1984, held in absentia, was found guilty as  
charged. He was dismissed from service as discipline for  
his violation of Rule G.

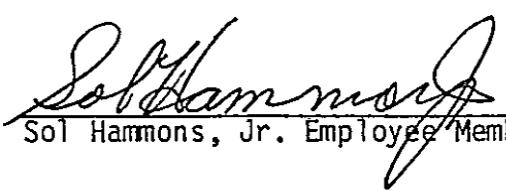
The Board finds that Claimant was accorded the due  
process to which entitled under Discipline Rule 12.

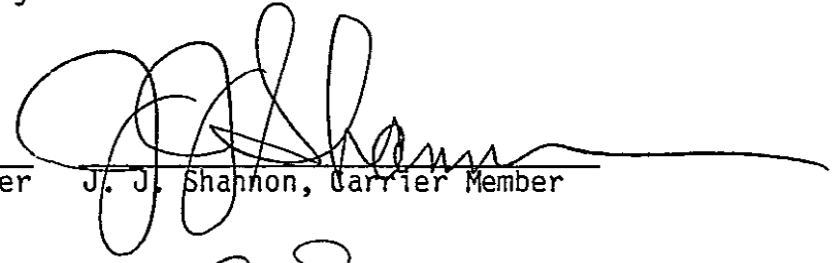
There was sufficient evidence adduced to support the  
conclusions reached by Carrier as to Claimant's culpability.

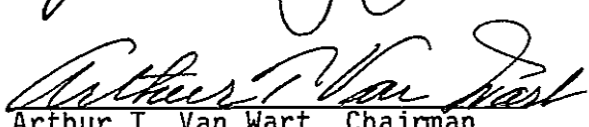
The Board finds cause to conditionally reinstate  
Claimant to service with all rights unimpaired but without  
pay for time out of service subject to his passing all  
Carrier required examinations, including physicals, and his  
attending and completing Carrier's EPA program. Thereafter,  
Claimant will be placed in a probationary status for one  
year during which his rights to the protection of Discipline  
Rule 12 will not be impaired. If these conditions for a  
last chance opportunity are not acceptable to the Claimant,  
within thirty days of notice thereof, then his claim will be  
denied at that time.

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.

  
Sol Hammons, Jr. Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued November 15, 1988.