

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 254

Case No. 254
File 247-6687

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company

Statement

of Claim: (1) Carrier violated Agreement Rule 12 when Trackman
S. R. Myers was dismissed from the service effective
October 3, 1983.

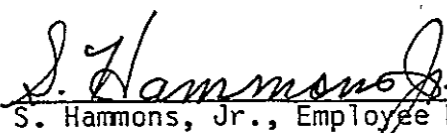
(2) Mr. Myers shall now be reinstated with seniority
rights, pass privileges, and vacation rights unimpaired,
and he shall be allowed compensation for all time lost.

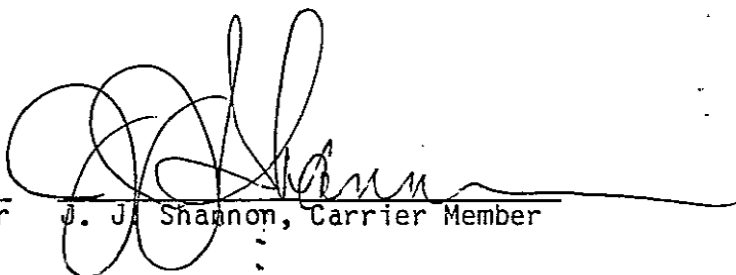
The Board has jurisdiction of this case.

Claimant Trackman, following a formal investigation on September
21, 1983, was discharged for failing to follow the work instructions
given him by Track Foreman S. D. Newby to help unload ties out of
freight car.

There was sufficient evidence adduced to support Carrier's
conclusion that Claimant was insubordinate. The defense of "safety
protection" was never mentioned at the time of the incident. Hence,
little weight was assigned to its being belatedly raised at the
investigation. The claim will be denied.

Award: Claim denied.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 28, 1988.