

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 255

Case No. 255

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

Statement  
of Claim: "Carrier violated the Agreement, especially Rule 12,  
when Trackman G. C. Miller was dismissed from service on  
October 22, 1984.

Claimant Miller should now, therefore, be allowed  
compensation for eight (8) hours each work date, including  
any holidays falling therein and any overtime which would  
have accrued to him, beginning October 22, 1984, continuing  
until he is reinstated to service with seniority, pass and  
vacation rights unimpaired."

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

Claimant Trackman, who had a serious absentee problem,  
was warned, on February 14, 1984, by the Roadmaster that if  
he was going to be unavailable for work that he should  
notify the Roadmaster personally and advise the reason why.

Next morning, February 15, 1984, Claimant failed to  
report to work and he also failed to advise the Roadmaster.

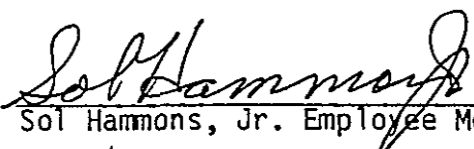
Carrier, on March 20, 1984, some 34 days later issued a  
notice of investigation. After the investigation had been  
postponed three times it finally was scheduled and held on  
October 19, 1984. As a result thereof Carrier concluded him  
to be guilty. Claimant was dismissed from service as  
discipline for his continual absence and absence without  
authority.

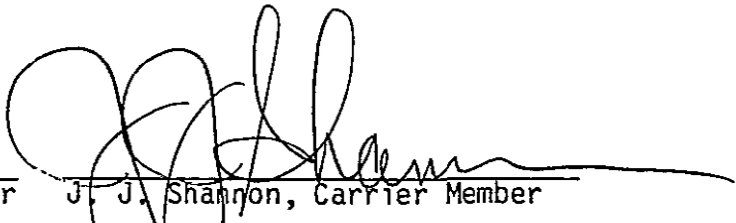
The record reflects that Claimant was accorded the due  
process to which entitled under Rule 12 - Discipline.


There was sufficient evidence adduced to support  
Carrier's conclusion as to Claimant's culpability. The  
record reflects that Claimant had an alcohol abuse problem  
and that he had been dismissed twice therefor. The number  
and frequency of absences in his record failed to change.  
Every reasonable effort to assist Claimant had been  
undertaken.

The discipline in the circumstances is found to be not unreasonable. This claim will be denied.

Award: Claim denied.

  
Sol Hammons, Jr. Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued November 15, 1988.