SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 266

Case No. 266

Parties

Brotherhood of Maintenance of Way Employes

to

Dispute

Union Pacific Railroad Company

(former Missouri Pacific Railroad Company)

Statement

of Claim: "Carrier violated the Agreement when it dismissed Machine Operator Mark Brooks from service effective July 9, 1985.

> Claimant Brooks shall now be allowed eight (8) hours pay for each day, including any holidays and overtime falling therein, beginning June 24, 1985 and continuing until 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.

> Carrier's Superintendent of the Red River Division, K. D. Milliman, following a formal investigation that was held on June 26, and July 23, 1985 advised Claimant on July 9, 1985, in part:

"...your record has this date been assessed with: dismissal in connection with your violation of General Rule A(1) C. N of the Rules and Regulations for Maintenance of Way and Structures in connection with your falsifying time roll on April 22, 23, 24, 25, 26, 29 and 30, 1985 as a result of formal investigation held Palestine, TX, June 26, 1985, and also your violation of General Rule A and B of the Maintenance of Way Rules effective April 28, 1985 in connection with your falsifying time rolls on May 1, 2, 3, 6, 7, 8, 9, 10, 13, and 14, 1985 as a result of formal investigation held Palestine, July 3, 1985, either of which is a dismissal offense. Your record now stands dismissed."

Analysis of this record provides the conclusions that Claimant was accorded the due process to which entitled under Rule 1, (2) that there was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability, and (3) that the discipline, in light of the offenses, is not unreasonable. This claim will be denied.

Award: Claim denied.

Sol Hammons, Jr. Employee Member

T. Van Wart, Chairman and Neutral Member