

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 283

Case No. 283
File 247-7131

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

Statement

of Claim: (1) Carrier violated the current working agreement, especially Rule 12, when Track Foreman G. M. Salinas was dismissed from the service effective January 4, 1986.

(2) Claimant Salinas should now be allowed eight hours pay for each workday including any holidays falling therein and any overtime which would have accrued to him had he not been dismissed, beginning November 21, 1985, and continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

The Board has jurisdiction of the case.

Claimant Foreman was reported by two Trackmen on two separate occasions, for fraudulent purchase of gasoline and oil for personal vehicles. On November 15, 1985, he became involved in an altercation in violation of Rule G. The altercation resulted in arrest and fine by the Navasota Police Department.

A formal investigation was held on December 19, 1985 and again on January 2, 1986. Carrier advised Claimant on January 4 that he was culpable. Claimant was dismissed from service for violation of Carrier's rules:

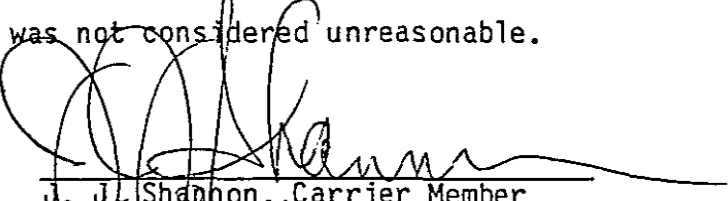
"...your purchasing gas with company assigned GELCO Rapid Drafts on October 25 and October 31, 1985, for private vehicles in Navasota, TX while employed as Track Foreman on Gang 1503...and conduct unbecoming an employee on November 15, 1985 around 12:43 AM at Navasota, Texas when you entered into an altercation resulting in your being arrested and fined..."

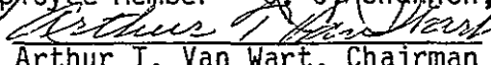
There was sufficient evidence adduced, including Claimant's admissions, to support Carrier's conclusion as to his culpability.

The discipline of discharge was not considered unreasonable.

Award: Claim denied.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member