

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 292
Case No. 292
File No. 247-7192

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 the personal record of Trackman A. G. Webber was assessed a forty-five (45) day actual suspension following formal investigation held at North Little Rock, Arkansas, on May 12, 1986.

Claimant Webber should now be allowed compensation for eight hours each work day, including any holidays falling therein, from November 22, 1985 through January 5, 1986."

Findings:

The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

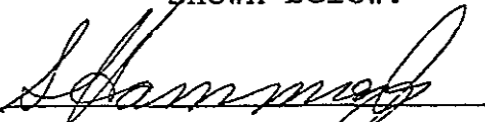
A careful review of the record in this matter reveals that Claimant was afforded a fair and impartial hearing and we so find.

As to the substantive merits of the case, there is substantial evidence on the record that Claimant engaged in off-property conduct which was calculated to bring discredit upon his employer and himself. By his public intoxication, arrest, pleading and fine, Claimant violated Carrier rules proscribing unbecoming conduct.

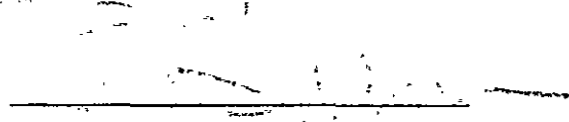
As to the issue of the proper measure of discipline, the Organization urges that the discipline assessed - a forty-five days suspension - is excessive on the record before us. We concur and accordingly reduce the sanction imposed to a fifteen (15) day suspension which we believe to be appropriate in the circumstances.

Award: Claim sustained, in part, as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance as shown below.



S. A. Hammons, Jr.
Employee Member



J. J. Shannon
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988