

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 302

Case No. 302  
File 247-7397(1)

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Union Pacific Railroad  
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the current working agreement,  
especially Rule 12, when the personal record of Trackman J.  
D. Moore was assessed with a 90-day actual suspension.

(2) Trackman J. D. Moore should now be allowed eight hours' pay for each workday, including any holidays falling therein beginning June 19 through September 16, 1986, account assessed a 90-day actual suspension.

Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board.

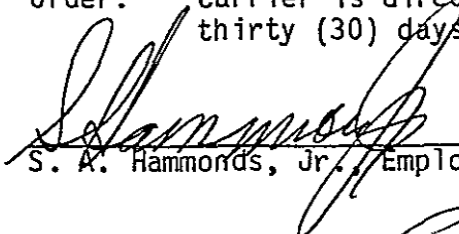
Following a formal investigation, at which Claimant was not present, he was assessed 90 days actual suspension as discipline for violation of Item 5 of Conditions of Employment, in connection with his failure to protect his assignment on March 19, 24, 31 and April 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 1986 while working as a Trackman on Gang 5810 Marshall, Texas.

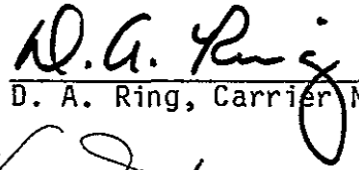
As a result of the Board's finding of a procedural violation Claimant's discipline will be reduced to 30 actual days. He is to be paid the difference.

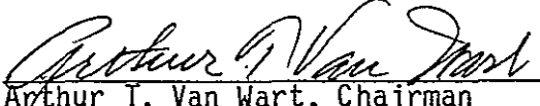
Claimant is also being placed on record that he has a poor service record and that it can be used against him in any other proceeding.

Award: Claim sustained as per findings.

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

  
S. A. Hammonds, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued September 30, 1989.