

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 303

Case No. 303  
File 207-7426

Parties Brotherhood of Maintenance of Way Employees  
to and

Dispute Union Pacific Railroad Company  
(Former MOPAC)

Statement

of Claim: (1) The Carrier violated the current working agreement, especially Rule 12, when Trackman D. W. Joyner was dismissed from the service effective October 17, 1984.

(2) Claimant Joyner should now be allowed compensation for all time lost beginning October 17, 1984, continuing until he is reinstated to service with all seniority rights and vacation privileges restored.

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.

This is a companion case to that in our Award No. 253 the findings of which by reference are incorporated herein.

Claimant, a Trackman since June 24, 1976, was notified on June 25, 1984 to attend a formal investigation on June 27, 1984 on the charge:

"...failing to protect your assignment and failing to comply Roadmaster's instructions dated August 30, 1983, concerning Absenteeism/Tardiness while working as Trackman on Gang 5165 in Kansas City Terminal on June 21, 1984, and June 22, 1984, and a review of your record."

The investigation was postponed by the Organization until July 24, 1984. It was postponed again July 24th by the Union until such time as Claimant was released from work from a personal injury sustained on July 5, 1984.

The hearing was finally conducted on October 12, 1984. The Carrier concluded therefrom that Claimant was culpable of the charges placed against him. He was dismissed from service as discipline therefor.

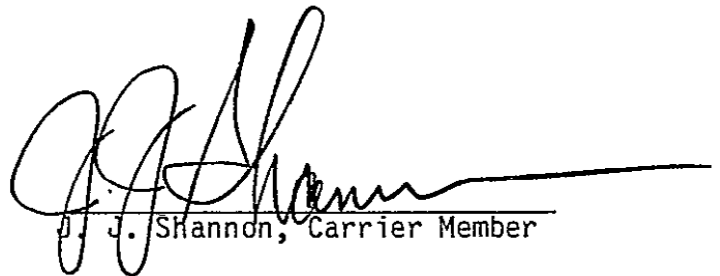
The Board finds that Claimant was accorded the due process to which entitled under Rule 12, Discipline and Investigations.

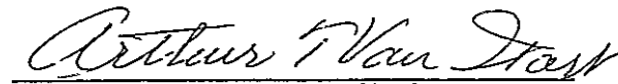
There was sufficient evidence adduced, including Claimant's admissions, to support Carrier's conclusion as to Claimant's culpability. The Assistant Roadmaster attested that Claimant failed to protect his assignment on June 21 and 22, 1984 and that he had counseled Claimant in the past regarding his absenteeism and tardiness. The Roadmaster also testified that instructions had been issued on August 30, 1980 regarding Carrier's policy concerning absences and that Claimant had been counseled on May 29, 1984 regarding leaving the work site without proper authority or being absent or leave with proper authority. Claimant also testified that he overslept on June 21,. He admitted he was aware of the policy regarding permission to be off work or to be late. Claimant also admitted that he failed to protect his assignment on June 21 and 22, 1984.

The discipline assessed, in light of Claimant's dismal service record, is found to be reasonable. This claim will be denied.

Award: Claim denied.

  
S. A. Hammons, Jr. Employee Member

  
J. J. Shannon, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued October 20, 1987.