

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 312
Case No. 312
File No. 247-7427

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 formal letters of reprimand were assessed against the personal records of Welder M. C. Price, Welder Helper B. R. Rogers and Track Foreman T. G. Mallot.

"The letters of reprimand dated June 12, 1986, assessed against the personal records of Messrs. Price, Rogers and Mallot shall now be removed."

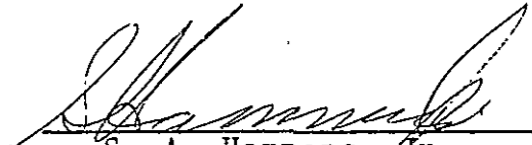
Findings:

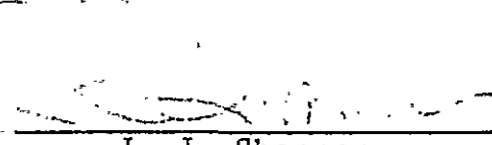
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

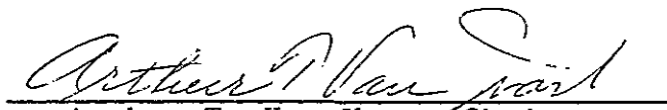
A review of the record reveals that the Claimants were afforded a fair and impartial hearing. However, as to the substantive merits, the Board finds that substantial evidence was not adduced at the investigation to underpin the Carrier's findings of guilt. Therefore, in light of all the circumstances, the Board finds mitigating factors which favor Claimants and will, therefore, set aside the discipline imposed and direct the expungement of their individual personal records.

Award: Claim substantiated as per findings.

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