

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 316
Case No. 316
File No. 860094

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 former Trackman J. G. Floyd, SSN: 497-72-0557, was dismissed from the service effective August 14, 1986.

Claimant Floyd shall now be allowed eight hours compensation for each work day, including any holidays and overtime that would have accrued to him had he not been dismissed. Claim to begin August 14, 1986, and continue until Mr. Floyd is reinstated to service with seniority, pass and vacation rights unimpaired."

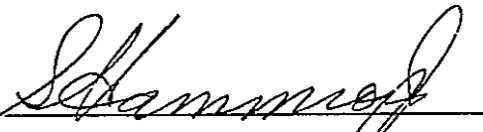
Findings:

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.

Claimant Floyd was dismissed from service following hearings in absentia held July 29, 1986 on charges that he had absented himself from his assignment without authorization and late reported on several dates in June, 1986 and habitual absenteeism.

The Board finds, upon a review of the record in its entirety, that Claimant was afforded due process; that there is substantial evidence supporting the finding of guilt as charged; and, that the discipline assessed - dismissal from service - was commensurate, warranted and not excessive in light of Claimant's record of being disciplined twice previously for the same offense.

Award: Claim denied.



S. A. Hammons, Jr.
Employee Member



J. J. Shannon
Carrier Member



Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988