

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 322

Case No. 322

File No. 247-732186

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

Statement

of Claim: (1) Carrier violated the current working Agreement, especially Rule 12, when Machine Operator Terry Moore was assessed a sixty day actual suspension from service following the formal disciplinary investigation conducted on May 15, 1986.

(2) Machine Operator T. E. Moore shall now be allowed eight (8) hours each work day, including any holidays falling therein, beginning May 26, 1986, through July 24, 1986, account assessed a sixty (60) day actual suspension by Mr. Milam on May 23, 1986.

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

The Claimant, on April 22, 1986, was working as a Machine Operator assigned to a surfacing gang who were working in the vicinity of Silver Lake, Texas.

Following a formal investigation Claimant was advised, on May 23, 1986, that:

"You are hereby advised that your record this date has been assessed with: sixty (60) days actual suspension for your violation of General Rule B and General Rule 2003 of the Maintenance of Way rules in connection with your absenting yourself without proper authority on April 21 and 22, 1986 while working as Operator on BDC-28, Gang 5803, Dallas Subdivision..."

Claimant was accorded the due process to which entitled under Rule 12.

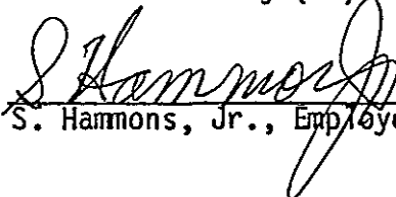
There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability.


Notwithstanding that Claimant brought about the situation which gave rise to the instant discipline. Mitigating circumstances permit a reduction in the discipline record from sixty to thirty days. Claimant is

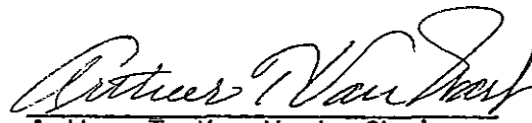
reminded that notwithstanding the above action he has a deplorable service record.

Award: Claim disposed of as per findings.

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


S. Hammons, Jr., Employee Member


J. S. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued June 13, 1989.