

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 324
Case No. 324
File No. 870563

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 Agreement, especially Rule 12, when Trackman C. A. Johnson was dismissed from the service on March 24, 1987.

Claimant Johnson should now, therefore, be allowed compensation for eight hours each work day, including holidays and any overtime that would have accrued to him had he not been dismissed from service."

Findings:

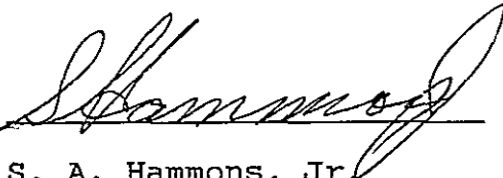
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

Claimant Johnson was dismissed from service following hearing in absentia on a charge of unauthorized absence from his assignment for a period of nearly six months.

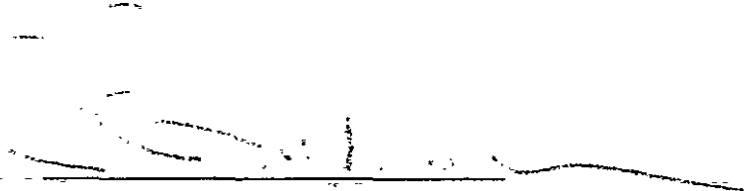
A review of the record in this case reveals that Claimant was afforded a fair and impartial hearing after three postponements calculated to permit him to appear and defend himself against the charge; that there was substantial evidence presented to warrant Carrier's findings and subsequent decision to discharge Claimant.

Claimant's failure to report was a preferential, volitional act, the penalty for which is dismissal.

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