

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 325  
Case No. 325  
File No. 870402(B)

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 working Agreement, especially Rule 12, when Trackman J. L. Lopez was dismissed from the service on January 29, 1987.

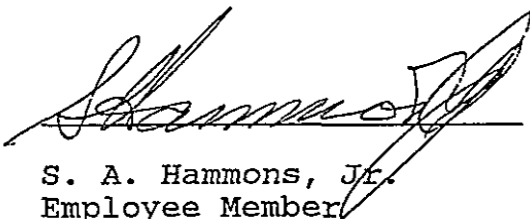
Claimant Lopez should now, therefore, be allowed compensation for time lost from January 29, 1987 until reinstated with all past privileges, vacation and seniority rights unimpaired."


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.

The record disclosed that Claimant was afforded a fair and impartial hearing and judged culpable of violating Rule "G". The Carrier's determination of guilt is based upon competent testimony of witnesses and Claimant's own admissions. Dismissal is both commensurate with the seriousness of the proven Rule "G" offense and warranted on the record before us. There are no compelling mitigating circumstances which persuade the Board to disturb the discipline imposed by Carrier.

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