

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 343

Case No. 343  
File 870098

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

Statement of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Machine Operator T. E. Moore was dismissed from the service of the Carrier on October 23, 1986.  
(2) Claimant Moore should now, therefore, be allowed compensation for eight (8) hours each work day beginning October 23, 1986, and continuing until he is reinstated to service with all rights unimpaired.

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

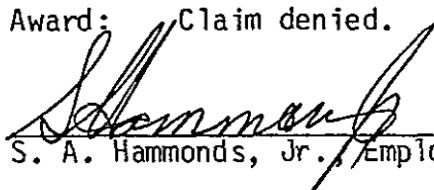
Following the investigation, the Claimant, T. A. Moore, was notified that his record had been assessed with dismissal as discipline for his violation of General Rule B, in part, and Rule 404 of the Safety Radio and General Rules for all Employees in connection with his failure to properly report to a proper officer on the prescribed form the injury that he sustained on May 13, 1986 at Carroll, Texas, while working as Machine Operator on BDC-28, Gang 8508.

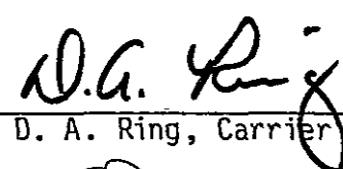
Claimant was accorded the due process to which entitled under his discipline rule.

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

The discipline assessed in light of the offense, and his deplorable service record, was not unreasonable. This claim will be denied.

Award: Claim denied.

  
S. A. Hammonds, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member