

## **SPECIAL BOARD OF ADJUSTMENT NO. 279**

Award No. 348  
Case No. 348  
File No. 870524

**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 A. K. Hawkins was dismissed from the service.

Claim in behalf of Trackman Hawkins for reinstatement to service with pay for all wage loss suffered beginning February 9, 1987 and continuing until he is reinstated to service with seniority, vacation and all other rights restored to him 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

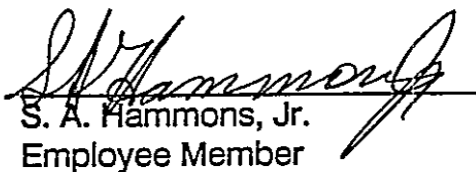
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A review of the record in this case reveals that Claimant Hawkins was afforded a fair and impartial hearing.

There is substantial evidence on this record to support the Carrier's finding of guilt on the the charges preferred.

Due to the seriousness of Claimant's offense (theft of Company fuel), the Board finds that the Carrier did not act in an unreasonable, arbitrary or capricious manner by imposing the sanction of permanent dismissal in this case.

**Award:** Claim denied.

  
S. A. Hammons, Jr.  
Employee Member

  
D. A. Ring  
Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued on the 10<sup>th</sup> day of March, 1989  
at Tampa, Florida.