

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

Award No. 351  
Case No. 351  
File No. 870660

**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 J. Munoz was dismissed from the service.

Claim in behalf of Trackman Munoz for eight hours each day, including any holidays and overtime that would have accrued to him had he not been dismissed. Claim beginning June 26, 1987 and continuing until he is reinstated to service with seniority, vacation and all 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

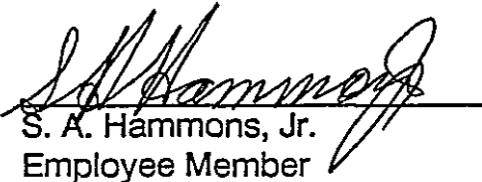
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A review of the record in this case reveals that Claimant Munoz 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.

In view of the seriousness of Claimant's offense (theft by deception), his relatively short tenure with the Company and his prior poor discipline record, the Board finds that the Carrier did not act in an unreasonable, arbitrary or capricious manner when it imposed the sanction of permanent dismissal in this case. The Carrier's decision will be upheld.

**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.