

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 370
Case No. 370
File No. 870964G

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 M. G. Meeks was dismissed from the service.

Claim in behalf of Trackman Meeks for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to him had he not been dismissed. Claim beginning September 4, 1987 and continuing until he is reinstated to service with seniority and vacation 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

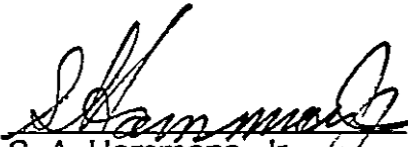
Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

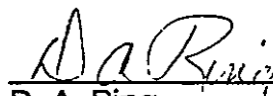
A review of the record in this case reveals that Claimant Meeks was afforded a fair and impartial hearing, even though *in absentia*.

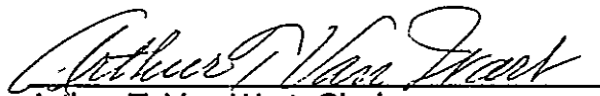
There is substantial evidence on this record to support the Carrier's finding of guilt on the charges preferred.

Due to the seriousness of Claimant's offense (flagrant insubordination) and his short tenure with the Company, 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 19 day of July, 1989
at Washington, D. C.