

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 377
Case No. 377
File No. 870923

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. J. Morgan was assessed a 33 day actual suspension.

Claim in behalf of Trackman A. J. Morgan for ten hours each work day, 40 hours per week, including any holiday falling therein, and any overtime that would have accrued to him during the period September 3 through October 6, 1989."

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 Morgan was afforded a fair and impartial hearing.

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), the Board finds that the Carrier did not act in an unreasonable, arbitrary or capricious manner by imposing a 33 days actual suspension 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.