

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 378
Case No. 378
File No. 871127G

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 Work Equipment Mechanic C. V. Glover was dismissed from the service.

Claim in behalf of C. V. Glover for restoration to service with pay for all wage loss and restoration of seniority, vacation and all other rights unimpaired."

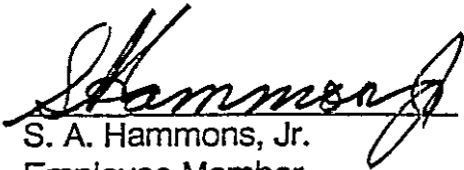
Findings:

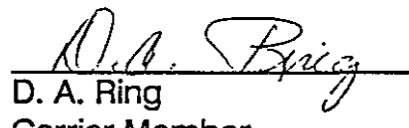
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

A review of the record in this matter reveals that Claimant Glover was afforded a fair and impartial hearing and that there is substantial record evidence (including Claimant's admissions) to support the Carrier's determination that Claimant was guilty of being absent without authority, conduct unbecoming an employee and unauthorized use of a Company vehicle. It is also clear from this record that Claimant's problems are alcohol-related and that he has shown marked indifference to the help offered by the Company's Employee Assistance Program.

Due to the gravity of the proven offenses, and finding no mitigation on the record before us, the Board concludes that Carrier's decision to permanently dismiss Claimant is not unreasonable, arbitrary or capricious and 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 19 day of July, 1989
at Washington, D.C.