

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 381

Case No. 381  
File 870221G

Parties Brotherhood of Maintenance of Way Employees  
to and  
Dispute Union Pacific Railroad  
(Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when Machine Operator J. D. Alexander was dismissed from the  
service.

(2) Claim in behalf of Machine Operator Alexander for eight  
hours each work day, including any holidays falling therein,  
beginning February 13, 1987, and continuing until he is  
reinstated to service with seniority, vacation and all other  
rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties  
Agreement establishing this Board.

Following a formal investigation, which was held in  
absentia, Claimant was dismissed as discipline for his  
failure to release his track and time at 2:45 PM on February  
3, 1987.

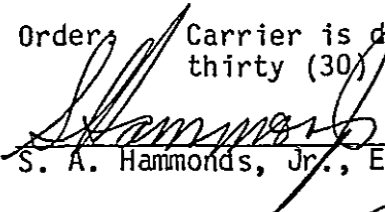
Claimant was accorded the due process to which entitled  
under the discipline rule, albeit the investigation was held  
in absentia.

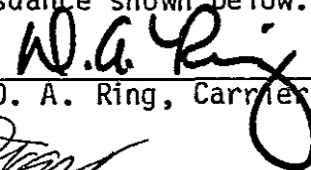
There was sufficient evidence adduced to support  
Carrier's conclusion as to Claimant's culpability.

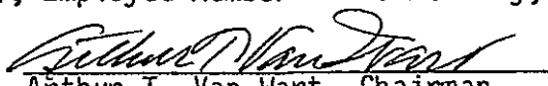
The Board in light of Claimant's service record and  
length of service will reinstate Claimant to service without  
impairment of any rights and without loss of seniority but  
without pay on a conditional basis. Claimant will be placed  
in a probationary status for six months to assure that he  
understands that it is necessary to release his track and  
time to the Train Dispatcher.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within  
thirty (30) days of date of issuance shown below.

  
S. A. Hammonds, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued September 30, 1989.