

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 409
Case No. 409
File No. 890197

Parties Brotherhood of Maintenance of Way Employes

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. M. McGraw was assessed a 16 day suspension (October 26, 27, 28, 31, November 1, 2, 3, 4, 7, 8, 9 and 10).

Claim in behalf of Mr. McGraw for eight hours each work day, including holidays that would have accrued to him had he not been suspended."

Findings:

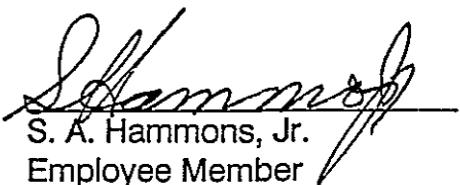
The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject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

A review of the record in this case reveals that Claimant McGraw was afforded a fair and impartial hearing and that there is substantial record evidence to support the Carrier's determination that Claimant was guilty of the charges preferred.

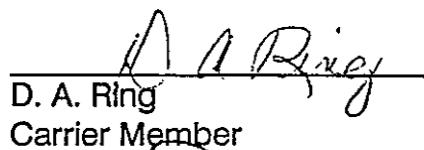
As to the quantum of discipline assessed, the Board finds that Claimant had established a nearly unblemished disciplinary record prior to the incident in question (one Letter of Reprimand assessed during seven years employment with the Company) which strongly mitigates in his favor. The Board further finds that the punishment assessed herein is disproportionate to the severity of the offense; therefore, the sixteen day suspension assessed is reduced to a Letter of Reprimand with pay for wage loss suffered, if any, for the period suspended from service.

Award: Claim sustained, in part, as per findings.

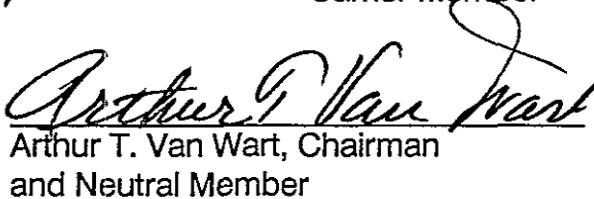
Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance.



S. A. Hammons, Jr.
Employee Member



D. A. Ring
Carrier Member



Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued on the 11 day of November, 1989
at Orlando, Florida.