

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 417

Docket No. 417
File 880403

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

Statement
of Claim: (1) Carrier violated the Agreement, especially Rule 12, when
Track Foreman K. C. Pooche was dismissed from the service.

(2) Claim in behalf of Mr. Pooche for eight hours each work
day, including holidays, beginning February 6, 1989 and
continuing, with seniority, vacation and all other rights
unimpaired.

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

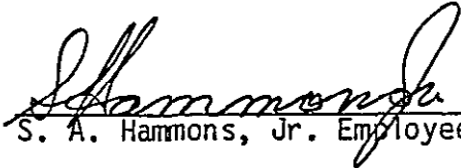
Claimant, as a result of a formal investigation held on
February 16, 1989, on the charge that (1) he failed to
safely operate a company vehicle and failure to properly
report accident with company vehicle (Unit 62438) which was
involved with two automobiles at approximately 6:10 AM
February 6, 1989; (2) presented yourself in conduct
unbecoming an employee when you were cited with driving with
a suspended driver's license and hit and run driving
(Citation #3472) as a result of vehicular accident February
6, 1989; and (3) failed to comply with instructions set
forth in General Order #12 issued May 15, 1988, while you
were working as Track Foreman on Gang 1611 in that you
failed to notify Carrier that your driver's license was
suspended. Claimant was found guilty as a result thereof.
He was dismissed from service as discipline therefor.

Claimant was accorded the due process to which entitled
under his discipline Rule 12.

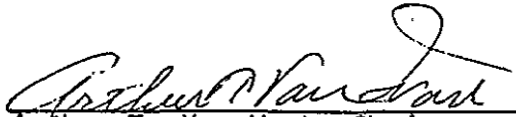
There was sufficient evidence adduced including
Claimant's admission of guilty to support Carrier's
conclusion of culpability of the charges.

It was a series of serious charges that creates
liability for the Carrier. Therefore, in view of Claimant's
record this claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr. Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 30, 1990.