

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 418

Docket No. 418

File 890404

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 M. W. Bowman was assessed a thirty (30) day suspension.

(2) Claim in behalf of Mr. Bowman eight hours each work day beginning February 7 through March 8, 1989.

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

Claimant, on January 13, 1989, was assigned as a Track Foreman with primary duties involved flagging for a Contractor between the East end of Lake End and the West end of Lake End, Louisiana, between the hours of 6:30 AM until 3:00 PM. The Manager of Track Maintenance, because of heavy rains in the area the night before, had Track Foreman Randy Salad patrol the track and instructed him to have Trackman Moses go to Lake End and inform Claimant that he should patrol the track between Lake End and Hexmo Junction for high water. Mr. Moses arrived at Lake End at approximately 10:00 AM and remained there until approximately 2:15 awaiting Mr. Bowman's arrival. The Manager of Track Maintenance arrived at Lake End and attempted to reach Claimant by radio but received no response. Thus, the Carrier concluded therefrom that the Claimant failed to report to his job location and protect his assignment.

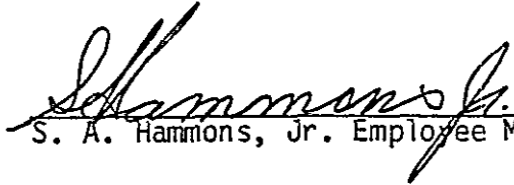
As a result of a formal investigation, held on February 16, 1989, Claimant was advised under date of February 23, 1989, that his record had been assessed with a 30 day actual suspension for discipline for violation of General Rules B and Rule 604 in connection with the charge that he had falsified his time role on January 13, 1989.

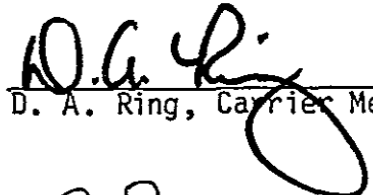
Claimant was accorded the due process to which entitled under his discipline rule.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability. Testimony shows that he was assigned to that location and that he was supposed to remain at that location. Claimant's

testimony that he was looking at switches elsewhere was not conclusive. Carrier concluded that he was not at his place of assignment and therefore disciplined him. The record supports that conclusion. 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.