

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 423

File 890536

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

Statement  
of Claim: (1) Claim in behalf of System Bridge Gang Carpenter Third  
Class T. E. Wilson, assessed a fifteen (15) day deferred  
suspension on April 17, 1989.

(2) Claim in behalf of Mr. Wilson for the removal of the  
fifteen (15) day deferred suspension. As well as pay for  
time lost beginning March 27, 1988.

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

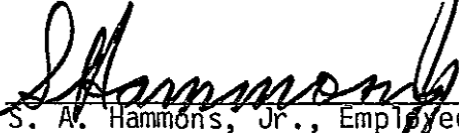
The Claimant, System Bridge Gang Carpenter Third Class,  
T. E. Wilson, was involved in an altercation with Second  
Class Carpenter E. C. Mitchell.

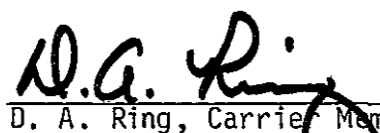
Claimant was accorded the due process to which  
entitled.


There was sufficient evidence adduced to support  
Carrier's conclusion that Claimant had provoked the  
altercation with Mitchell by his oral degrading and  
insulting assertions.

The discipline, in view of the circumstances, was  
reasonable. 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