

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 440

Case No. 440  
UP File 890755

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

Statement  
of Claim: Claim on Foreman J. P. Haynes, SSN452-21-1694, for eight  
(8) hours each work day, including overtime and holidays,  
that would have accrued to him had he not been dismissed on  
September 3, 1989, claim to continue until he is reinstated  
with seniority, vacation and all other rights unimpaired.

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

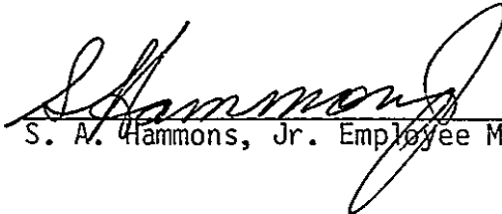
The Claimant Track Foreman, following a formal  
investigation held in absentia, at Amelia Yard Office,  
Beaumont, Texas on July 18, 1989, was concluded guilty of  
the charge of removing a license plate renewal sticker from  
Company vehicle unit #47638 and placing it on his personal  
vehicle between Friday, May 26, 1989 and May 30, 1989, while  
working as Section Foreman of Gang 1636 at Hull, Texas.

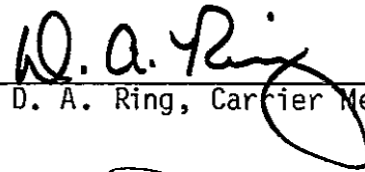
Claimant was accorded the due process to which entitled  
under Rule 12 - Discipline. While held in absentia, the  
Claimant is bound by the record developed thereat. He was  
given proper notification. He had signed for the certified  
letter giving him notice thereof. The Claimant neither  
requested a postponement or a reason for his being absent  
therefrom. Nor was there one from the Union. A request for  
a postponement from either the Claimant or his Union  
representative was lacking.


There was sufficient evidence adduced at the  
investigation to support Carrier's conclusion of the  
Claimant's culpability. The Carrier's witnesses give  
evidence that established that Claimant had removed the  
license plate renewal sticker and placed it on his own  
vehicle.

In view of the offense and Claimant's previous discipline record, the discipline is found to be 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

Issued December 19, 1990.