

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 442

Case No. 442  
UP File 890757

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

Statement

of Claim: Claim of Trackman Alex Kochinsky, SSN 438-90-2596, for eight (8) hours each work day, including overtime and holidays that would have accrued to him had he not been dismissed, beginning July 24, 1989 and continuing 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.

Claimant was required to attend a formal investigation held on August 8, 1989, on the charge of (1) absenting himself without proper authority on Monday, July 17, 1989 while working as Trackman on Gang 1011 at Shreveport, LA, and (2) the report that he conducted himself with conduct unbecoming an employee of the Union Pacific Railroad when he was arrested and charged with simple theft on May 23, 1989, and arrested and charged with one count of attempted purse snatching and one count of purse snatching on July 17, 1988 by the Shreveport Police Department.

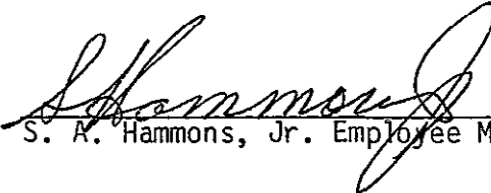
As a result of the investigation held on September 6, 1989, at Shreveport, LA, the Carrier concluded him culpable, the Claimant was dismissed as discipline therefor.

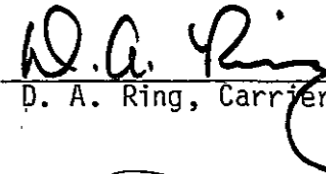
The Claimant was accorded the due process to which entitled under Rule 12 - Discipline.

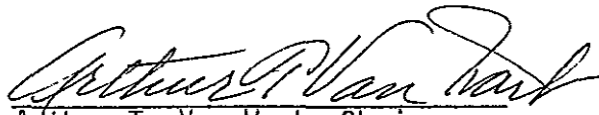
There was sufficient evidence adduced, including the admissions of Claimant that he was guilty of conduct unbecoming an employee of the Union Pacific and that the method he used to report his absence on July 17, 1989 was not the proper authority and in fact he was absent without proper authority, to support the Carrier's conclusion, of Claimant's culpability as to conduct unbecoming an employee because of purse snatching, simple theft and arrest therefor. His admissions void the necessity of further

review, as an admission of guilt, in effect, terminates the Board's acting. In the circumstances, 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.