

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 459

Case No. 459  
UP File 900044

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

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12,  
when Trackman J. L. Fowler was dismissed from service on  
October 20, 1989.

(2) Claim on behalf of Mr. Fowler for wage loss suffered  
beginning October 20, 1989, until 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 Trackman requested permission on September 7,  
1989 to attend his uncle's funeral. The absence was  
authorized and he departed the job site at noon. Claimant  
did not report back to work or secure any authorization to  
be off any days thereafter. He returned to the work site on  
September 25, 1989.

As a result Claimant was notified to attend a formal  
investigation on the charge:

"...he had not reported for his assignment or contacted the  
proper representative regarding his unauthorized absence for  
September 8, 1989 through September 22, 1989."

As a result Carrier found him culpable and he was  
dismissed from service as discipline therefor.


Suffice to say, the Board will conditionally reinstate  
Claimant to service with all rights unimpaired but without  
pay for any time out of service on a last chance basis and  
he will be placed in a two year probationary status during  
which Rule 12 will apply.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.

  
S. A. Hammons, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued March 20, 1991.