

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 460

Case No. 460
UP File 900045

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

Statement

of Claim: Claim on behalf of Track Foreman L. Toussaint,
SSN 437-74-2311, for eight (8) hours each work day,
including overtime and holidays, that would have accrued to
him had he not been dismissed, beginning October 31, 1989,
claim to continue until he has been reinstated with
seniority, vacation and all other rights unimpaired.

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

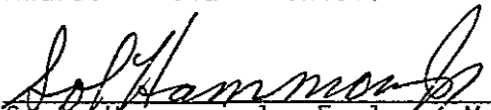
Claimant was dismissed from service for improper use of
rapiddrafts.

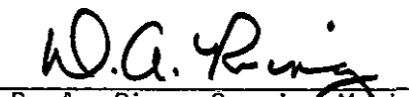
Claimant was accorded the due process to which entitled
under Rule 12 - Discipline.

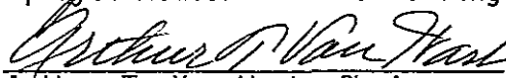
There was sufficient evidence adduced, including the
admissions against interest by Claimant that he was guilty
of misusing the rapiddrafts as alleged in connection with
the purchase of cigarettes and gasoline for his personal
trucks, that he verified that the statement that he had
signed was accurate and that he understood the instructions
issued concerning the proper use of rapiddrafts.

In view of the offense and particularly Claimant's
discipline record, 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