

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 490

Case No. 490

File 900382

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

Statement

of Claim: Claim of Work Equipment Mechanic R. S. Spinler, SSN 516-74-7232 for eight (8) hours each work day, including applicable overtime and holidays, that would have accrued to him during the period of May 14-June 12, 1990.

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

The Claimant was notified to attend a formal investigation on the charges:

"...that you were allegedly insubordinate when you failed to comply with instructions given to you by Program Engineer of Track W. E. Smith on March 10, 1990 to report for work on Monday, March 19, 1990. In addition, you have allegedly been absent without authority since March 12, 1990 and continuing..."

As a result thereof, Carrier concluded him culpable and he was assessed the discipline here appealed.

The Board finds that Agreement Rule 12 was complied with.

There was sufficient evidence adduced to support the Carrier's conclusion of Claimant's culpability. Clearly, the Claimant understood the instructions given to him by telephone on March 10, 1990. Those instructions were the testimony of the Maintenance Engineer Smith as corroborated by Mr. Brossette. Maintenance Engineer Smith further contacted the Claimant on April 2. He chose not to comply with either set of instructions. The Claimant failed to contact any one in supervision to secure authority for his being absent. The defense offered was just not credible.

The discipline is deemed to be reasonable. This claim will be denied.

Award: Claim denied.

Sol Hammons Jr.  
S. A. Hammons, Jr., Employee Member

D. A. Ring  
D. A. Ring, Carrier Member

Arthur T. Van Wart  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued October 26, 1991.