

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 499

Case No. 499
File 900555

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

Statement

of Claim: Claim on behalf of J. M. McGraw, SSN 514-56-0234, for lost wages and expenses that would normally be provided by Carrier benefits beginning May 25, 1990 through June 6, 1990 and removal of charges from his personal record.

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

The Claimant was advised in June 1990 following a formal investigation, in part, as follows:

"...regarding at approximately 8:00 A.M. on May 25, 1990, in the vicinity of Marshall, Missouri, while working as Assistant Foreman on Gang 9161, you were allegedly insubordinate to W. A. Huber, Manager-Track Programs, when you failed to follow instructions when told to go and wait under the picnic shelter until other conferences had been completed. Rather, you voluntarily absented yourself from duty without proper authority.

I have now carefully reviewed and have considered all the testimony contained in the hearing transcript. I have found more than the sufficient degree of evidence was presented to warrant sustaining all charges brought against you.

In consideration of the severity of the offense I am now ordering you to be assessed a thirteen (13) day actual suspension beginning May 25, 1990 through June 6, 1990."

The record reflects that this case was settled on the property and withdrawn from the Board. The Board having no jurisdiction will dismiss this case.

Award: Claim dismissed.

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.