

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 508

Docket No. 508

File 900652

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when B&B Carpenter J. R. Price was dismissed on July 30,  
1990.

(2) Claim on behalf of Mr. Price for wage loss suffered,  
until reinstated with seniority, vacation and all other  
rights unimpaired.

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

The Claimant, B&B Carpenter J. R. Price, following a  
formal investigation, held on July 30, 1990, on the charge:

"...left your work assignment without proper authority at  
7:20 A.M., July 24, 1990, at the San Marcos Depot, San  
Marcos, Texas."

was found to be culpable of the charge. He was dismissed  
from service as discipline therefor.

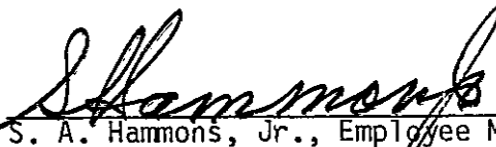
The Board finds that Claimant was accorded the due  
process to which entitled under Rule 12.

There was sufficient evidence adduced, including the  
admissions against interest by the Claimant, to support the  
Carrier's conclusion of the his culpability. The record  
reflects that on July 24, Manager of Bridge Maintenance J.  
D. Bateman visited the Claimant's Gang to deliver some  
investigation notices on another matter to Claimant and some  
other employees. The Claimant was specifically told several  
times that he was not being pulled out of service therefor.  
Notwithstanding, Claimant took it upon himself after doing  
daily exercises to leave the Gang after announcing that he  
was going home. It was noted that the Claimant admitted  
that he knew that he was not being removed as a result of  
above said investigation notice. Clearly, the record shows  
that he voluntarily walked off the job site and thus  
absented himself without authority.

Notwithstanding, the Board finds cause to conclude that it will return Claimant to service with all rights unimpaired but without any pay for time out of service and with the admonition that the Claimant better shape up or be prepared to ship out.

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

  
R. O. Rock, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued March 24, 1992.