

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 524

Docket No. 524

File 910058

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 Trackman G. L. Bacon was dismissed on August 16, 1990.

(2) Claim on behalf of Mr. Bacon 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, Trackman Gregory L. Bacon, attended a
formal investigation held on Monday, September 10, 1990, on
the charge:

"...you have allegedly absented yourself from duty without
proper authority from August 1, 1990 to, and, including this
date."

The Carrier concluded culpability therefrom. Carrier,
in light of the offense and the Claimant's service record
dismissed him from service as discipline therefor.

Claimant was accorded the due process to which entitled
under his discipline Rule 12.

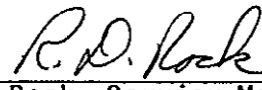
There was sufficient evidence adduced including the
admissions of Claimant that he was absent from duty without
authority during the period in question due to his
incarceration being in jail. Also the Claimant admitted
that he had been found guilty of theft over \$150 and
sentenced to two years probation in connection with that
incarceration.

The discipline, particularly in view of Claimant's
abominable discipline record, which includes two dismissals,
all of which discipline, except two, concerned a failure to
protect his assignment, depicts an employee who does not
care to protect his employment or to work for the Union
Pacific Railroad. The Carrier should not be required to

keep in its employ such an employee. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued April 24, 1992.