

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 528

Docket No. 528  
File 910075

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 Machine Operator L. O. Brossett was dismissed on September 13, 1990.

(2) Claim on behalf of Mr. Brossett for wage loss suffered, beginning November 1, 1990 until November 30, 1990.

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

Claimant, Machine Operator L. O. Brossett, attended a formal investigation, on November 8, 1990, on the charge:

"...you misappropriated company property for your personal use whereby you used and removed battery from ATS78 tamper at Palmetto, Louisiana."

Carrier concluded therefrom that Claimant was culpable. He was assessed a thirty (30) day actual suspension as discipline therefor.

Claimant was accorded the due process to which entitled under Rule 17.

There was sufficient evidence adduced, including the admissions of Claimant, to support the Carrier's conclusion as to Claimant's culpability. No matter which way the facts and the situation are viewed the Claimant took the extra battery off the property without authority.

The discipline imposed was reasonable and in keeping with Claimant's long service. The claim will be denied.

Award: Claim denied.

*S. A. Hammons, Jr.*

S. A. Hammons, Jr., Employee Member

*R. O. Rock*

R. O. Rock, Carrier Member

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

Issued April 24, 1992.