

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 535

Docket No. 535  
File 910240

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

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12,  
when Track Foreman L. E. Allen was assessed a 30-day  
suspension on January 21, 1991.

(2) Claim on behalf of Mr. Allen for wage loss suffered,  
beginning January 22, 1991 until February 20, 1991.

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

Claimant Track Foreman L. E. Allen, Sr., attended a  
formal investigation held on January 15, 1991, on the  
charge:

"...your failure to properly release your track time while  
working as Track Foreman of Gang 1715 between CPLO 42 and  
CPLO 63 on January 4, 1991."

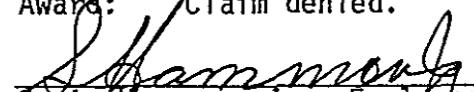
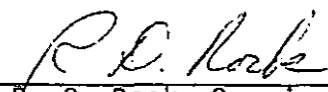

The Carrier found Claimant to be culpable and imposed a  
30 day actual suspension as discipline therefor.

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

There was sufficient evidence adduced to support  
Carrier's conclusion of culpability.

The Claimant had been previously counselled on the same  
issue several months prior. The rule involved is just too  
important to pass over lightly.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member       
R. O. Rock, Carrier Member  
  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 27, 1992.