

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 540

Docket No. 540
File 910281

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 Laborer C. L. McKinnon was assessed a thirty (30) day suspension on February 25, 1991.

(2) Claim on behalf of Mr. McKinnon for wage loss suffered, beginning January 3, 1991 until March 5, 1990.

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

The Claimant, Track Laborer C. L. McKinnon, was required to attend a formal investigation, held February 13, 1991, on the charge:

"...you failed to properly protect your job assignment on January 29, 1991 6:00 AM and also January 30 and January 31, and that you failed to gain permission to be absent these dates, this would include a review of your previous work history."

The Carrier found Claimant to be culpable and assessed a thirty (30) days actual suspension as discipline therefor.

Rule 604 - Duty - Reporting or Absence, reads:

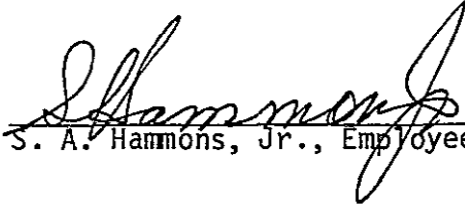
"Employees must report for duty at the designated time or place. They must devote themselves exclusively to the company's service while on duty. They must not absent themselves from duty, exchange duties, or substitute others in their place without proper authority."

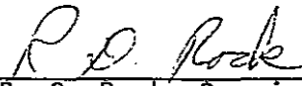
The Board finds that Claimant was accorded the due process to which entitled under Rule 12.

There was sufficient evidence adduced, including the admissions of Claimant, to support Carrier's conclusion as to his culpability. Claimant had previously been counselled. The Claimant admitted that he had not asked for permission to be off. His credibility was left in doubt by his failure to follow through in substantiating some of the allegations he raised.

The discipline imposed, when contrasted with the seriousness of the violation and the record of the individual, is found to be reasonable. 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 May 27, 1992.