

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 541

Docket No. 541

File 910282

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 R. R. Koci, Machine Operators T. C. Terry and A. Gibson were assessed a deferred suspension on January 21, 1991.

(2) Claim on behalf of Messrs. Koci, Terry, and Gibson for removal of these suspensions from their records.

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

The Claimants, Track Foreman R. R. Koci, Machine Operators T. C. Terry and M. A. Gibson, were required to attend a formal investigation, held on January 9, 1991, on the charge:

"...you allegedly failed to make inspection of passing train UP2375 East account allegedly playing card games while working on Surfacing Gang #2222 at approximately 10:30 AM November 4, 1990 Hile (sic) sitting on 'short main' at Dallas, TX."

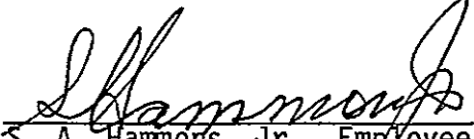
The Carrier found Claimants to be culpable and assessed Foreman Koci, fifteen (15) deferred days, and the Machine Operators thirty (30) days deferred suspension.

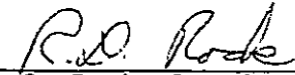
The Board finds that the Claimants were accorded the due process to which entitled under Rule 12.


There was sufficient evidence adduced, to support Carrier's conclusion of culpability reached by Carrier. Testimonial conflicts were resolved by the Carrier with no cause for recourse being shown. Certainly, card playing was not one of the reasons for which the employees are on the payroll.

The discipline assessed is found to be most reasonable. In the circumstances, 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.