

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 544

Docket No. 544
File 910285

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 Trackman L. J. McKinley was dismissed on January 7,
1991.

(2) Claim on behalf of Mr. McKinley for wage loss suffered,
until reinstated with seniority, vacation and all other
rights unimpaired.

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

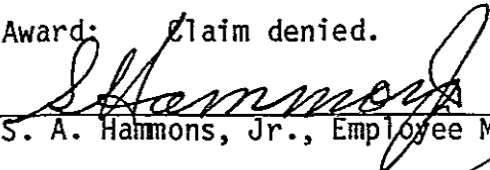
The Claimant Trackman, L. J. McKinley, was required to
attend a formal investigation, held on December 20, 1990, on
the charge of being arrested on November 3, 1990 in the
vicinity of Wayne, Arkansas for possession of a controlled
substance (marijuana), DWI driving while intoxicated,
driving on suspended driver's license and fleeing from an
officer. He later enter a plea of guilty in court to the
above charges. The Claimant was dismissed from service as
discipline therefor.

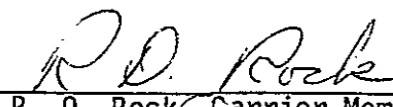
The Board finds that the Claimant was accorded the due
process to which entitled under Rule 12.

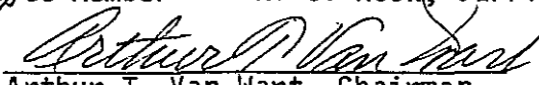
There was sufficient evidence adduced including the
admissions of Claimant, to support Carrier's conclusion of
culpability. All of the necessary legal documentation
involving the Claimant's apprehension, arraignment and court
hearing were made part of the record.

The discipline imposed is found to be not unreasonable
and is consistent with similar cases handled by this Board.
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.