

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 548

File 910369

Docket No. 548

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when W. T. Bishop was dismissed from service on March 17,  
1991.

(2) Claim in behalf of Mr. Bishop for wage loss suffered  
beginning March 17, 1991, until reinstated with seniority,  
vacation and all other rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties  
Agreement establishing this Board for that purpose.

The Claimant Trackman was pulled out of service for an  
alleged violation of Rule G at 10:00 AM on Sunday, March 17,  
1991.

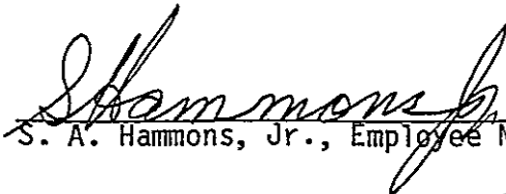
A formal investigation was held in connection  
therewith. On the basis of the evidence adduced Carrier  
concluded culpability. The Claimant's service record was  
reviewed and he was dismissed from service as discipline  
therefor.

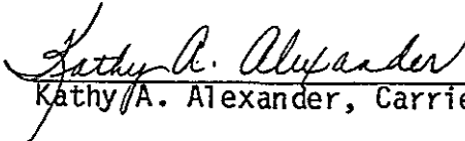
Claimant was accorded the due process to which entitled  
under his discipline rule. In fact, the investigation was  
recessed and resumed on March 25 in order to present two  
employee witnesses.


There was sufficient evidence adduced, to support the  
conclusion of Carrier that Claimant was in violation of Rule  
G.

The discipline was not unreasonable. The Claimant had  
previously been dismissed therefore for the same offense in  
1983. The Claimant did not ask for a blood test or an  
urinalysis. He was medically disqualified in 1990. We find  
no cause in the record to change the discipline imposed.  
This claim will be denied.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
Kathy A. Alexander, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued November 28, 1992.