

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 549

File 910387
Docket No. 549

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

Statement of Claim: (1) Carrier violated the Agreement, especially Rule 12, when R. E. Evans was assessed 90 days actual suspension on March 27, 1991.
(2) Claim in behalf of Mr. Evans for wage loss suffered beginning March 27, 1991 through June 29, 1991.

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

The Claimant on March 27, 1991 was assigned to provide flag protection for a contractor working at the east end of Alexandria, Louisiana yard.

When the Assistant Track Supervisor, G. F. Salard, arrived at the crossing where the Claimant was to provide flag protection at 8:40 AM, the Claimant was not there. The Claimant arrived some 15 minutes later.

A formal investigation was held in connection with the charge of absenting himself without proper authority from his responsibility as Flagman on Gang 1736 and for his failure to comply with written instructions from Foreman Salard which instructed him not to leave a location where he is providing flag protection without proper authority.

As a result thereof, Carrier concluded the Claimant to be culpable. He was assessed a 90 days suspension therefor.

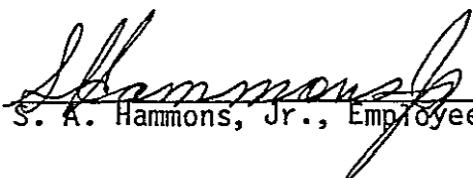
Claimant was accorded the due process to which entitled under his discipline rule.

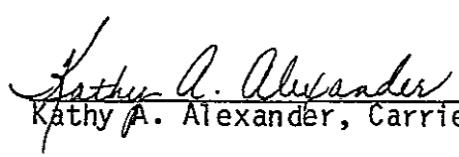
There was sufficient evidence adduced including the Claimant's admissions against interest, to support Carrier's conclusion as to the Claimant's culpability.

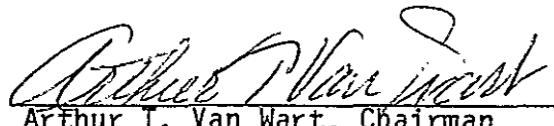
The discipline in view of this record and his service record will be reduced to sixty (60) days suspension.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr., Employee Member


Kathy A. Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 28, 1992.