

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 553

File 910504
Docket No. 553

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 J. A. Gonzalez was assessed 30 days actual suspension on May 20, 1991.

(2) Claim in behalf of Mr. Gonzalez for wage loss suffered beginning May 20, 1991 through June 18, 1991.

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

The Claimant on April 15, 1991 was the Foreman of Maintenance of Way Gang 2813. He failed to protect his assignment on said date.

An investigation was held in connection therewith, Carrier found him to be culpable and assessed a 30 day suspension as discipline therefor.

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

There was sufficient evidence adduced to support Carrier's conclusion as to the Claimant's culpability as to the charge placed against him.

The discipline assessed failed to take into account all the circumstances. In mitigation therefor Claimant's discipline is reduced to a 30 days deferred suspension. Carrier will make the necessary adjustment.

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
S. A. Hammons, Jr., Employee Member

Kathy A. Alexander
Kathy A. Alexander, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member