

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 554

* File 910505
Docket No. 554

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 R. E. Graham was dismissed from service on April 17,
1991.

(2) Claim in behalf of Mr. Graham for wage loss suffered
beginning April 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 Ricky Edward Graham, was
suspended from service on March 14, 1991 pending the outcome
of a formal investigation on the charge:

"an alleged falsification of personal injury to yourself as
reported by you as to have occurred at 1:30 AM (sic) on 25
February 1991 at MP 500 on Monroe Subdivision, near Monroe,
Louisiana."

As a result thereof, Carrier concluded the Claimant to
be culpable of the charge. He was dismissed from service as
discipline therefor.

The Claimant was accorded the due process assured by
Rule 12.

There was sufficient evidence adduced to support the
Carrier's conclusions of culpability.

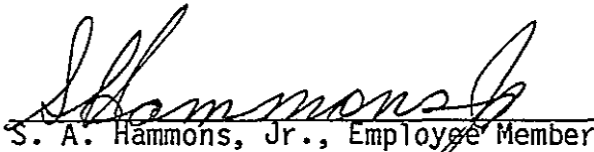
The Board's review of the record and the Claimant's
service record concludes that there would be reason for the
Claimant to be conditionally reinstated to service with all
rights unimpaired but without any pay for time out of
service and to be placed in a probationary status for six
months. The Claimant is to be so advised by the
Superintendent's representative in the presence of his Union
Representative in order that the Claimant clearly
understands the significance of a probationary status.

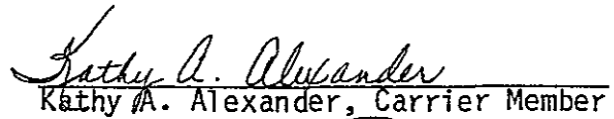
Simply stated it means that if for any reason the Claimant, during such period has been proven to have violated Carrier rule, he may then be discharged therefor for violation of his probation as well as the charge placed against him.

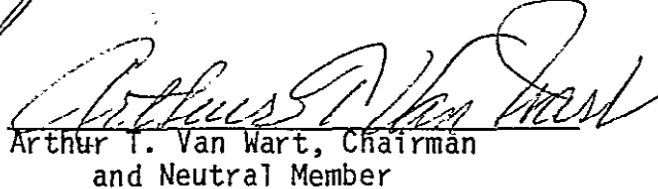
This claim is disposed of as per findings.

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 I. Van Wart, Chairman
and Neutral Member

Issued November 28, 1992.