

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 556

File 910546

Docket No. 556

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. D. Whitson was assessed 30 days deferred
suspension.

(2) Claim in behalf of Mr. Whitson for the removal of the 30
days deferred suspension.

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

The Claimant, Assistant Foreman - Gang 9162, R. D.
Whitson, was notified by W. A. Huber, Manager of Track
Programming that as a result of the formal disciplinary
investigation held April 12, 1991, on the charge:

"You allegedly failed to follow my instructions when told to
attend the safety lunch for gang 9162 in which you made
yourself absent...

I have found more than a sufficient degree of evidence was
presented to warrant sustaining all charges brought against
you.

In consideration of the severity of the offense, your record
will be assessed a thirty (30) day deferred suspension."

The record reflects that arrangements have been made to
have a safety luncheon for Gang 9162 on March 7. The Gang
was shut down around noon and a luncheon served at a
restaurant near Russellville, Arkansas.


The luncheon was not only a typical safety meeting but
it also was one in which to give the Gang a "pat on the
back" for a job well done.


The record further reflects that the announcement
therefor had been made during the morning job briefings.
Claimant's defense that his attendance was not required even
though the luncheon was held during his working hours lacks


any support for its justification. Claimant's admissions made were against interest. The Claimant presented no sound reason for the non-compliance with specific instructions arising out of his employer/employee relationship.

The discipline imposed for the violation thereof is deemed reasonable. 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