

SPECIAL BOARD OF ADJUSTMENT NO. 279

* Award No. 563

Docket No. 563
File 910601

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 C. J. Alfred was assessed 60 days actual suspension on
May 20, 1991.

(2) Claim in behalf of Mr. Alfred for wage loss suffered
beginning May 20 - July 18, 1991.

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

On or about July 17, 1990 the Claimant Trackman was
observed as removing a case of motor oil from the fuel truck
and placing it in his personal vehicle.

A formal investigation was held thereon, April 24,
1991, on the charge of removing company property from Track
Gang 9166 without proper authority while working as a
trackman on Gang 9158 on the Alexandria Subdivision. As a
result thereof, Carrier concluded him to be culpable. He
was assessed a sixty day suspension which is here appealed.

This was a very serious charge. The discipline imposed
took into consideration the delay in holding the hearing
because of an on-going internal investigation. While the
Claimant was not involved therein to have held the
investigation earlier could have caused serious harm to said
investigation. It was for that reason, a lesser discipline
was imposed.

In the circumstances, Claimant has been treated fairly.
Except for a delay the due process requirement of Rule 12
was adhered. However, no harm was demonstrated as to the
Claimant's rights by such delay. This claim will be denied
as per findings.

Award: Claim denied.

S. A. Hammons, Jr.
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

Issued December 19, 1992.