

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 571

Case No. 571

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
 when C. F. Ferguson was dismissed from service on August
 23, 1991.

(2) Claim in behalf of Mr. Ferguson for wage loss suffered
beginning August 23, 1991, until reinstated with seniority,
vacation and all other rights unimpaired.

Findings: The Board has jurisdiction of this dispute by reason
 of the Parties Agreement establishing this Board therefor.

 Claimant was advised under date of October 89, 1991:

"Enclosed is the transcript of the formal disciplinary
investigation held at 10:40 A.M. on September 27, 1991...
regarding that you allegedly were dishonest when you cashed
payroll vouchers for the second half of May 1991, first half
of June 1991, second half of June 1991, and first half of
July 1991, which were issued in error as a result of your
former position as engineering inspector-fiber optics...

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


Accordingly, you are hereby dismissed from the service of
the Union Pacific Railroad Company."

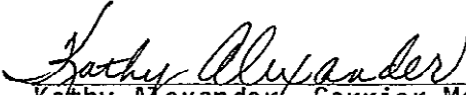
The Board finds that the Claimant was accorded the due
process to which entitled under Rule 12 - Discipline.

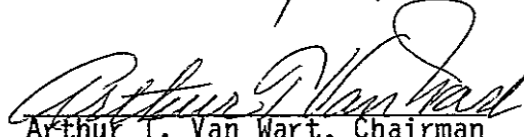
There was sufficient evidence adduced to support
Carrier's conclusion as to the Claimant's culpability. The
Claimant was issued four payroll vouchers erroneously. He
chose to cash them. When advised of the error he refused to
return the money thereof which amounted to \$4,032.56.

The discipline of dismissal issued for this dishonest
act is not considered unreasonable. This claim will be
denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy Alexander, Carrier Member


Arthur I. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.