

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 574

Case No. 574

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when K. E. Harmon was dismissed from service on September  
17, 1991.

(2) Claim in behalf of Mr. Harmon for wage loss suffered  
beginning September 17, 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.

The Claimant Machine Operator was advised under date of  
September 27, 1991 in part as follows:

"Enclosed is the transcript of the formal disciplinary  
investigation... regarding that while working as Machine  
Operator on Gang 9164 in the vicinity of Addis, Louisiana,  
you were allegedly absent without proper authority on the  
dates of August 1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19  
and 20, 1991...

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

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

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 his culpability.


The discipline in view of his record is not deemed  
unreasonable. He had been warned previously on three  
different occasions. He was given letters of conference  
about excessive absenteeism. He waived his right to an  
investigation once and received 15 days deferred for  
excessive absenteeism. Claimant gives the appearance of one

who does not desire to work for the Carrier and is not a dependable employee. In the circumstances, this claim will be denied.

Award: Claim denied.

  
S. A. Hammons, Jr., Employee Member

  
Kathy Alexander, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 22, 1993.