

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 581

Case No. 581

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 J. L. Hare was assessed 30 days actual suspension.

(2) Claim in behalf of Mr. Hare for wage loss suffered beginning December 16, 1991 and removal of said discipline from his record.

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

The Claimant Machine Operator was notified to attend a formal investigation held on December 3, 1991 on the charge:

"Alleged failure to adhere to verbal agreement reached between Manager of Track Maintenance Jesse Guerra and yourself for you to go to Putnam, Texas on Friday, October 18, 1991 to observe Mr. R. Maples operate ballast regulator on his territory in order to ascertain what you needed to do to correct the problems you were having in operating the ballast regulator to which you were assigned, and you subsequent failure to protect your assignment on Monday, October 21, Tuesday, October 22, Wednesday, October 23 and Friday, October 25, 1991 account of 'allegedly taking it upon yourself' to turn in timeslip for 'travel time' and charge same to the Carrier without proper authorization, and your subsequent insubordination to your manager and the falsification of your timeslips."

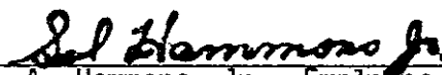
Claimant as a result thereof was given a disciplinary suspension of thirty actual days plus 30 days of deferred suspension as discipline therefor.

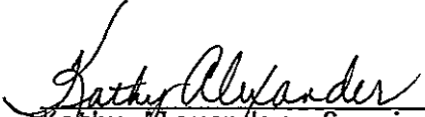
Claimant was accorded the due process to which entitled under Rule 12.

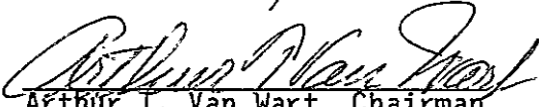
The evidence adduced did not support the conclusion of the Carrier. The Claimant's actions were taken as a result of the approval of his Foreman and the Foreman's timekeeping. Therefore the Claimant should not have been found culpable nor disciplined therefor.

Award: Claim sustained.

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 Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.