

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 613

Docket No. 613

File 930043

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when B. K. Williams (SSN 437-04-2916) was dismissed from
service on October 9, 1992.

(2) Claim in behalf of Mr. Williams for wage loss suffered
beginning September 21, 1992, and continuing until Claimant
is reinstated to service with seniority, vacation and all
other rights unimpaired.

Findings: The Board has jurisdiction by reason of the parties
Agreement establishing the Board therefor.

The Claimant Welder was notified July 10, 1992 that he
had been assigned to Bulletin OTP250, Welder, Gang 20360 and
to report thereto July 13, 1992. He did not report. A show
cause letter was issued. The Claimant, who had a history of
absenteeism, responded but the response was deemed
insufficient to show just cause. He was withheld from
service and an investigation held. The Carrier concluded
therefrom that the Claimant was culpable. He was dismissed
from service as discipline therefor.

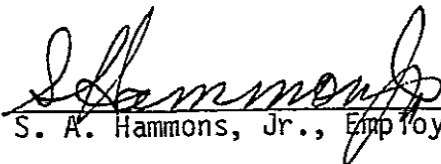
The Claimant was accorded the due process to which
entitled under his discipline rule .

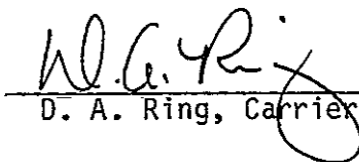
There was sufficient evidence adduced to support
Carrier's conclusion as to his culpability.


The discipline was not unreasonable. The record is
such that mitigation of the discipline is indicated. The
Claimant will be reinstated on a last chance basis with all
rights unimpaired but without pay for time out of service.
He should meet with his Union representative and a
designated Carrier representative to review his record. Also
if possible, decide whether EAP could be of assistance to
reach his apparent real problem.

Award: Claim disposed of as per findings.

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


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued January 31, 1994.