

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 615

Docket No. 615
File 930103

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when L. E. Ballard (SSN 435-19-9688) was assessed a fifteen (15) day deferred suspension.

(2) Claim in behalf of Mr. Ballard for removal of the fifteen (15) day deferred suspension from his record.

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

Manager M/W Equipment Shop on September 21, 1992 at a safety meeting, advised the employees of a new designated parking location for shop employees. The Manager advised the employees that if they failed to use the designated parking location that they would be subject to discipline.

Manager Kendrick, on October 2, 1992, observed the Claimant Ballard parking his car near the paint building at the maintenance of way shop at Ft. Worth, TX. At the safety meeting conducted on the same day, Manager Kendrick questioned the Claimant as to whether he intended to move the car. However, the Claimant did not move the car nor did he comply with the instructions that had been issued by Manager Ballard during the safety meeting on September 21, 1992.

As a result a formal investigation was held on the charge:

"...you allegedly failed to comply with instructions from the Manager of the M&W equipment shop, instructing you to park in designated parking area on September 21, 1992. You allegedly failed to comply with these instructions on October 2, 1992."

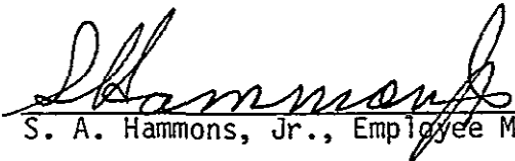
The Carrier concluded Claimant culpable and assessed a fifteen (15) day deferred suspension here appealed.

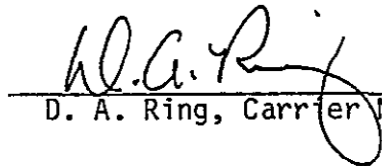
The Board finds that the Claimant was accorded the due process to which entitled.

There was sufficient evidence adduced to support Carrier's conclusion as to the Claimant's culpability. The fact that there had been no violation between September 22 and October 2, supports the reasonable conclusion that the Claimant was well aware of the change in parking location and the instructions given in connection therewith.

The discipline assessed is deemed reasonable. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued January 31, 1994.