

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27591
Docket No. MW-27463
88-3-86-3-704

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Union Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The discipline (30 demerits) imposed upon Sectionman K. R. Konkle for alleged violation of General Rules 'A' and 'I' and Safety Instructions 4000, 4001 and 4017(A) on June 25, 1985 was unwarranted and without just and sufficient cause (System File D-44/013-210-K).

(2) The thirty (30) demerits shall be expunged from the claimant's record and he shall be compensated for all wage loss, if any, suffered."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Following an Investigation, which was properly conducted and at which substantial evidence was developed to support the charges placed against Claimant, he was disciplined with 30 Demerits for jumping off a truck in violation of Carrier's General Rules and Safety Instructions. The discipline assessed is not inappropriate to the nature of the violation. Claimant was injured when he improperly dismounted from the vehicle and at his Investigation admitted that he exercised poor judgment which suggests that he was aware of the proscription and knew better. Accordingly, we have no basis to modify the discipline.

A W A R D

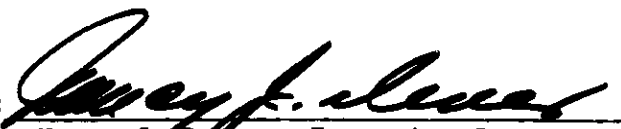
Claim denied.

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NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois this 27th day of October 1988.