Award No. 18

Case No. 24 Carrier File No. 860077

Parties Brotherhood of Maintenance of Way Employes to and Dispute Union Pacific Railroad

Statement

of Claim: (1) Carrier violated Agreement Rule 12 în dismissing B&B Carpenter J. R. Price, Jr. effective September 18, 1986.

> (2) Claimant Price shall now be allowed eight (8) hours each work day, including any holidays falling therein beginning September 4, 1986, continuing until reinstated to service with seniority, pass and vacation rights unimpaired.

The Board has jurisdiction of this case.

Claimant, as of July 1986, was a Carpenter Helper with two years of service. He was <u>one</u> of three, employees instructed by his Foreman to jointly remove a water tank (weighing 80 lbs.) from the bed of a truck. Claimant chose to remove it by himself and in the process injured his back. Following a formal investigation, Claimant was dismissed from service for discipline for not following Carrier's rules in the handling of the water tank.

The evidence adduced suggests that Claimant failed to properly performed his assigned tasks in performance with Carrier's rules.

However, the discipline imposed therefor if permitted to remain would be arbitrary and capricious. Therefore, Claimant is reinstated to service with all rights unimpaired but without pay for time out of service subject to his passing the necessary return to service examinations.

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.

160 Shannon, Employee Member Carrier Member

Arthur T. Van Wart, Chairman and Neutral Member

Issued May 4, 1988.