

PUBLIC LAW BOARD NO. 4338

PARTIES) UNION PACIFIC RAILROAD COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

1. The letter of reprimand assessed as discipline to California Division Pumper H. B. Allred for alleged violation of various company rules as indicated in Mr. W. S. Oakden's letter of July 17, 1989, was arbitrary, capricious and unwarranted.
2. The claimant's record shall be cleared of the discipline referred to in Part 1 hereof.

FINDINGS: This Public Law Board No. 4338 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified by letter dated June 21, 1989 to attend a formal investigation to develop the facts and determine responsibility, if any, concerning damage which occurred to Balch Well No. 3 on the morning of May 30, 1989 when he allegedly failed to open valve to discharge water into the tree line as previously instructed which resulted in damage to new equipment, and alleged failure to report such damage, indicating violation of General Rules A, B, I, and M as contained in the Maintenance of Way Book effective April 1, 1988 and General Rules 607(2), 609, 611, 621, Safety Instructions 4000 and 4002 as contained in Safety, Radio and General Rules for All Employees, Form 7908, revised April, 1985.

Pursuant to the investigation the claimant was found guilty, and his personal record was assessed with a letter of reprimand.

J. L. Parker, Manager Bridge Maintenance, testified that he had instructed the whole pumping gang at Kelso on both Wells No. 8 and No. 9 to make sure the valves were open when they started the pumps. He testified the damage to the wells was approximately \$16,000.

Mr. Parker also testified that the claimant's negligence in failing to open the valve to discharge water into a tree line resulted in the pump being totally destroyed. He testified that the new pump had been installed on April 4, or approximately two months earlier.

Manager Parker then testified that H. J. Taylor told him that he and the claimant were working together that day, and the claimant failed to open the valve. Mr. Parker testified that just by looking at the valve you could determine if it was open or closed, but he was not sure if the valve was a stem valve.

Pumper Foreman Wolford testified that it was not a stem valve, and you could not determine by looking at it if it was closed or not. He stated that when the valve was opened going down the main line to water trees, there is no more water coming out of that discharge line, and this is an indication the valve is either open or closed.

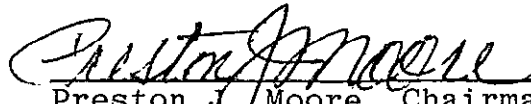
Pumper H. J. Taylor testified regarding his own duties and the duties of the claimant. He stated the claimant would open the discharge line and close the main valve line and then reverse the procedure when they got ready to go back down the line and open the main line and close the discharge line.

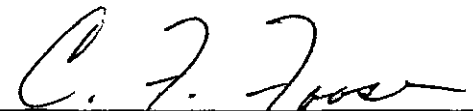
Mr. Taylor also testified that he did not know if the claimant opened the main valve or not. He stated he was taking care of the motor, and neither he or the claimant checked to see if there was any water coming out the tee which goes to the ditch to be watered along the trees. He testified there was a fence around the well, but part of the fence was down, and people driving along the road could have walked in.

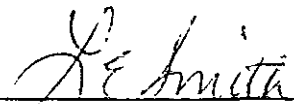
The claimant testified he opened the main valve and shut the discharge line. The claimant had been a pumper for 34 years. The claimant received no discipline but did receive a letter of reprimand for his failure to observe the condition of the equipment.

The Board finds there is no justification to remove the letter of reprimand.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member


Carrier Member