

PUBLIC LAW BOARD NO. 3539

Award No. 18

Case No. 24

Carrier File No. 860077

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

Statement

of Claim: (1) Carrier violated Agreement Rule 12 in 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.

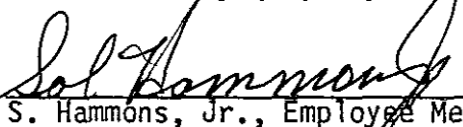
Claimant, as of July 1986, was a Carpenter Helper with two years
of service. He was one of three, employees instructed by his Foreman
to jointly remove a water tank (weighing 80 lbs.) from the bed of a
truck. Claimant chose to remove it by himself and in the process
injured his back. Following a formal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

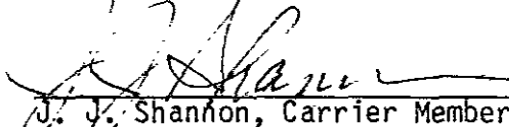
The evidence adduced suggests that Claimant failed to properly
performed his assigned tasks in performance with Carrier's rules.

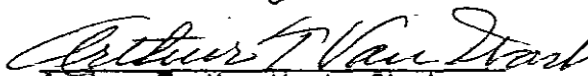
However, the discipline imposed therefor if permitted to remain
would be arbitrary and capricious. Therefore, Claimant is reinstated
to service with all rights unimpaired but without pay for time out of
service subject to his passing the necessary return to service
examinations.

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.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 4, 1988.