

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 306
Case No. 306
File No. 247-7363

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute: Union Pacific Railroad Company
(Former Missouri Pacific Railroad Company)

**Statement
of
Claim:**

"Carrier violated the current working Agreement, especially Rule 12, when Trackman D. B. Walker and C. L. Baugh and Track Foreman T. D. Wiley were each assessed deferred suspensions following a formal disciplinary investigation held on April 8, 1986.

Therefore, the personal records of the Claimants should now be cleared of any charges relating to the investigation of April 8, 1986."

Findings:

The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated January 5, 1959, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

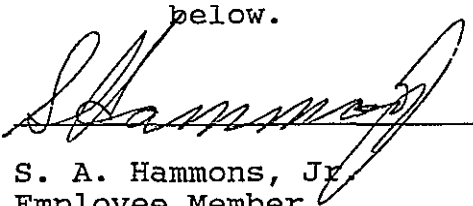
Claimants herein were afforded a fair and impartial hearing; however, the Board does not find

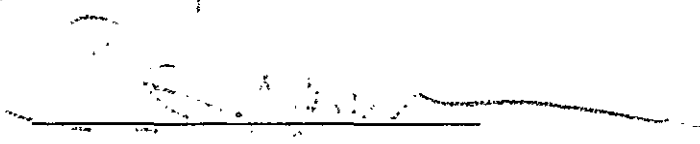
compelling evidence on the record that Trackmen G. B. Walker or C. L. Baugh performed their duties in a negligent manner on the date of the occurrence. Hence, the discipline assessed these employes cannot stand. With regard to Track Foreman T. D. Wiley, the Board concludes that a higher standard of care was required of Claimant on the date of the mishap and that his performance was somewhat below the standard expected of supervisory employes.


In light of all the circumstances obtaining, the Board finds that the discipline assessed Claimants Walker and Baugh should be set aside and their records cleared and that the discipline assessed Claimant Wiley should be reduced to a Letter of Reprimand.

Award: Claims of Claimants G. B. Walker and C. L. Baugh are sustained; claim of T. D. Wiley sustained, in part, as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. A. Hammons, Jr.
Employee Member


J. J. Shannon
Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued: July 28, 1988