

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 356

Case No. 356

File 870691G

Parties to Dispute: Brotherhood of Maintenance of Way Employees and Union Pacific Railroad (Former Missouri Pacific Railroad Company)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Section Foreman C. K. Loch was assessed a fifteen day deferred suspension.

(2) Claim in behalf of Section Foreman Loch to remove 15 days deferred suspension from claimant's personal record and allow him to return to a foreman's position with all rights restored.

Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board.

Claimant, Section Foreman C. K. Loch, was working as such with Gang 5119 on April 9, 1987. At approximately 11:50 AM he engaged in the apparent unsafe act of standing on the track while train GLKCFW 08, Extra MP 3179 South was approaching at Cain, Oklahoma.

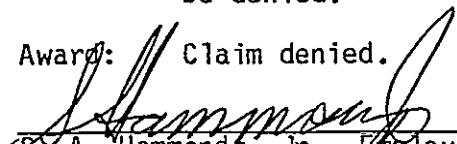
As a result, Claimant was notified to attend a formal investigation in connection therewith. He was assessed as a result thereof a 15 day deferred suspension.

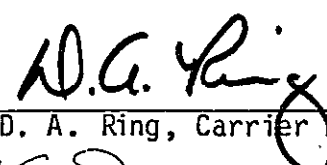
Claimant did not see the southbound train. He did not realize the train was that close until it blew its whistle. Claimant thanked the Engineer on the walkie talkie for blowing the whistle.

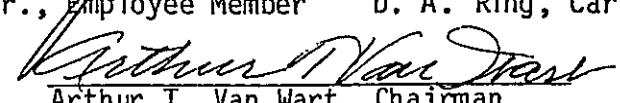
Claimant was accorded the due process to which entitled under his discipline rule.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability. Claimant's deferred suspension was appropriate and after serving same was placed back as a Foreman. This claim will be denied.

Award: Claim denied.

  
S. A. Hammonds, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member