

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 363

Case No. 363
File 870792G

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 Foreman Rudell Wilson was assessed a 30 day deferred suspension.

(2) Claim in behalf of Track Foreman Wilson to remove 30 day deferred suspension from his personal record and that Mr. Wilson and Mr. Reaves be paid for wages lost when attending the investigation.

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

Claimant Track Foreman Rudell Wilson submitted a written personal injury report on August 3, 1987 stating therein that he had injured his back on July 9th while loading a switch stand onto a truck.

As a result thereof, a formal investigation was conducted and Claimant was issued the discipline here appealed.


It is not a valid defense to try to excuse the failure to report an injury by the assertion that it was a reoccurrence of a former injury.

Claimant was accorded the due process to which entitled under Rule 12.

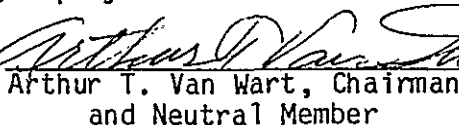
There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability.

The discipline assessed was in the circumstances reasonable.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member