

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 483

Case No. 483

File 900284

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

Statement

of Claim: Claim of Foreman R. D. Hilton, (assessed letter of reprimand) and Machine Operator C. W. Brookshire, (assessed 10 days deferred suspension), for removal of all discipline issued as a result of a hearing held at Van Buren, Arkansas, January 18, 1990.

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

They attended the above formal investigation on the charge:

"...that ATS-51 collided with Ballaster Regulator BR-39 in the vicinity of the north siding switch at Braggs, Oklahoma about 12:01 p.m., January 9, 1990, resulting in personal injury to Machine Operator on the BR-39...."

Track Foreman R. D. Hilton was riding on Machine ATS-51 operated by Machine Operator Brookshire. Machine Operator Tyrus was operating Machine BR-39 which he stopped. Shortly thereafter Machine ATS-51 struck Machine BR-39 injuring Operator Bell which was attempting to stop.

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

The Board finds that there insufficient evidence adduced to support Carrier's conclusion of culpability. Consequently, this claim will be sustained.

Award: Claim sustained.

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

Sol Hammons Jr.
S. A. Hammons, Jr., Employee Member

D. A. Ring
D. A. Ring, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 26, 1991.