

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 496

Case No. 496
File 900517

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

Statement of Claim: Claim on behalf of M. R. Reyes, SSN 453-60-3176, who was suspended May 23, to July 6, 1990, account damages occurred Company vehicle #6991.

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

The Claimant was notified under date of May 23, 1990 to attend a formal investigation on May 29 on the charge:

"...the damage incurred on Company unit No. 6991 at approximately 5:10 P.M., on May 22, 1990, while you were working as Trackman/Driver on Gang 2806 in the vicinity of Mile Post 229 between Placedo and Keeran..."

As a result thereof, Carrier concluded he was culpable of the charge and assessed the 45 day deferred suspension here appealed for his failure to operate a Company vehicle safely.

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

There was sufficient evidence adduced including the admissions against interest by Claimant that he hit the bridge with the vehicle while in a backing up movement causing the truck to overturn and that he did not do all that he could to prevent injury to himself and avoid damage to the vehicle. Such admission of guilt obviates any need to inquire further into the merits of the case.

In the circumstances, the discipline is found to be reasonable. This claim will be denied.

Award: Claim denied.

S. A. Hammons Jr. *D. A. Ring*
S. A. Hammons, Jr., Employee Member D. A. Ring, Carrier Member
Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member