

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 496

Case No. 496  
File 900517

Parties Brotherhood of Maintenance of Way Employes  
to and  
Dispute 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.

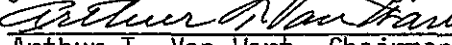
There was sufficient evidence adduced including the  
admissions against interest by Claimant that he hit the  
bridge with the vehicle while in a backing up movement  
causing the truck to overturn and that he did not do all  
that he could to prevent injury to himself and avoid damage  
to the vehicle. 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., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member