

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 505

Case No. 505

File 900655

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

Statement

of Claim: Claim on behalf of R. A. Williams SSN 496-42-5211 for "the payment of all lost wages and expenses incurred that would normally be provided by Carrier benefits" beginning July 6, 1990 and continuing until reinstated with all rights unimpaired.

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

As a result of a formal investigation held on August 10, 1990 on the charge:

"At approximately 2:00 P.M. on July 5, 1990, you failed to comply with the Chief Engineer's instructions, CE-88-001-T by not providing proper speed restrictions on Track after replacing ties in the vicinity of Mile Post 137.75 just east of Santatown, Missouri, resulting in a derailment of 8 cars of the NPMEZ04 at approximately 5:15 P.M...."


Carrier concluded him culpable therefrom. He was dismissed from service as discipline therefor. Claimant was accorded the due process to which entitled to under the Rule 12.

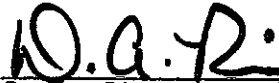
There was sufficient evidence adduced to support Carrier's conclusion including the admissions against interest by the Claimant, to support the Carrier's conclusion of his culpability. It is clear that Claimant did not take the proper measure to protect the tracks by placing slow orders in violation of existing instructions causing the rail to buckle and that resulting in a derailment.

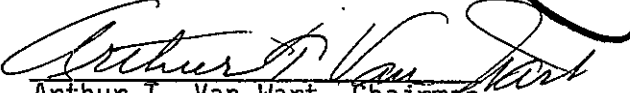
However, in view of Claimant's unblemished discipline record, he will be reinstated to service with all rights unimpaired but without pay for time lost less any outside earnings, if any.

Award: Claim disposed of as per findings.

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

  
S. A. Hammons, Jr., Employee Member

  
D. A. Ring, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued August 27, 1991.