

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 510

Docket No. 510
File 900664

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Track Foreman L. B. Hamilton received a 30-day deferred suspension on August 4, 1990.

(2) Claim on behalf of Mr. Hamilton for removal of this incident from his personal record.

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

The Claimant, Track Foreman L. B. Hamilton, was charged with:

"...failure to properly protect machines ATS 8903 and BR87M by improperly aligning, locking and tagging switch #810 at Leblanc spur on the north leg of the wye Donaldsville, LA while working a Track Foreman of Gang 1975 on June 20, 1990..."


Carrier found him to be culpable. He was assessed a discipline of 30 days deferred suspension.

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

The Board finds that the evidence adduced was insufficiently clear to support Carrier's conclusion of the Claimant's culpability. Therefore, the claim must be sustained.

Award: Claim sustained as per findings.

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


S. A. Harmons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 24, 1992.