

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 517

Docket No. 517
File 910032

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Machine Operator J. H. Moore was suspended from service
on September 14, 1990.

(2) Claim on behalf of Mr. Moore for wage loss suffered,
beginning September 17, 1990 until November 15, 1990.

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

Claimant, Machine Operator J. H. Moore, following a
formal investigation held on September 10, 1990 on the
charge:

"...with (1) your alleged collision between the TMT189 and
BR65M on August 3, 1990; (2) your alleged know ledge and
negligence in reporting this accident; and (3) your alleged
dishonesty in providing the details of this accident while
you were working as Machine Operator..."

The Carrier concluded that Claimant was culpable and
imposed a 60 day actual suspension as discipline therefor.

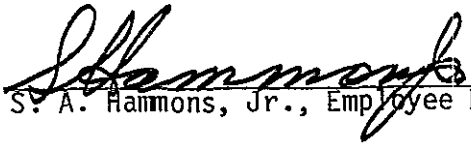
Claimant was accorded the due process to which entitled
under discipline Rule 12.

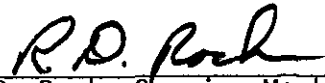
There was sufficient evidence adduced, including the
admissions of Claimant against interest, to support
Carrier's conclusion as to his culpability. The Claimant,
who was operating machine BR65M, on August 3, 1990, admitted
that he had collided with machine TMT189 and that he did not
report this accident simply because there was "no great deal
of damage and no one was hurt." Although MTM W. A.
Waguespack came to the scene of the accident, however,
neither Machine Operator chose to report the collision to
him at that time.

Notwithstanding, the discipline will be reduced to
thirty (30) days actual suspension.

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


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 24, 1992.