

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 522

Docket No. 522
File 910055

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 A. R. Baublitz II was dismissed on
September 26, 1990.

(2) Claim on behalf of Mr. Baublitz for removal of the 30-day
deferred suspension from his record.

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

The Claimant, Track Foreman A. R. Baublitz, II, attended
a formal investigation, held on September 18, 1990, on the
charge:

"...your alleged failure to comply with instructions from
Manager of Engineering Maintenance Steve Hoerstkamp issued
to you Thursday, July 19, 1990 while you were working as
Foreman in St. Joseph, Missouri."

Carrier concluded therefrom that Claimant was culpable.
It imposed a 30 day deferred suspension as discipline
therefor. The charge was most broad. The instructions
issued "were to get rid of the fan." They should have been
made a part of the charge. Consequently, the claim will be
sustained and Claimant's record properly adjusted.

Award: Claim sustained.

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