

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 579

Case No. 579

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Z. Hackett was assessed 30 days actual
suspension.

(2) Claim in behalf of Mr. Hackett for wage loss suffered
beginning October 21, 1991 and removal of said discipline
from his record.

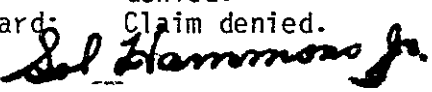
Findings: The Board has jurisdiction of this dispute by reason
of the Parties Agreement establishing this Board therefor.

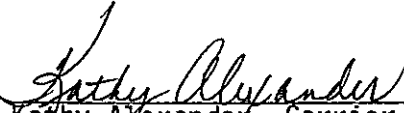
This is a companion case to that in our Award No. 578
the findings of which by reference are incorporated herein.
Therein that Foreman caused the Machine Operator of AD-10 to
come out and occupy the main line without protection of
authority.

This case involves an Assistant Foreman who failed to
get the required protection for AD-10 which was under his
jurisdiction. Supervisor Bulen (P-10) is most telling. He
briefed both Foremen on the protection needed as well as the
work to be done. Assistant Foreman Hackett should have
obtained the necessary protection for Machine Operator
Marquez and he did not. Hackett assumed that Marquez was
still "in the hole" at Cranell and Foreman Joubert who gave
permission for Mr. Marquez to come out on the main line
assumed Mr. Marquez was protected under Mr. Hackett's order.
It was fortunate that those erroneous assumptions on the
parts of Foreman Joubert and Acting Foreman Hackett did not
result in serious injury or loss of life to Operator
Marquez.

The discipline is reasonable. This claim will be
denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.