

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 585

Case No. 585

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when R. A. Nieto was assessed 30 days deferred suspension.

(2) Claim in behalf of Mr. Nieto for 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.

Claimant was required to attend a formal investigation on the charge:

"...that while working as a Trackman on Gang 9164 in the vicinity of McFadden, Texas, on the Brownville Subdivision, on October 15, 1991, you allegedly caused a personal injury to yourself by first purposely trying to handle a poison snake which in turn bit you causing the injury."

The Carrier concluded from the transcript thereof that the Claimant was culpable of the charge and he was assessed a thirty (30) day deferred suspension.

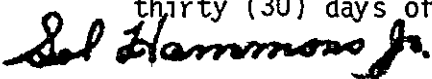
Claimant was accorded the due process to which entitled under Rule 12.

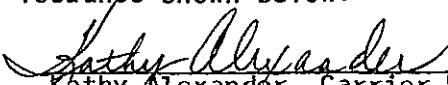
There was insufficient evidence adduced to support the Carrier's conclusion.


The discipline imposed shall be expunged from Claimant's record.

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


Kathy Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.