

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 609

Docket No. 609

U.P. File No. 920628

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 J. G. Cardoba (SSN 453-66-7986) was assessed 30 days deferred suspension.

(2) Claim in behalf of Mr. Cardoba for removal of said discipline from his record.

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

Under date of August 24, 1992, the Claimant, J. G. Cardoba was advised that the charge:

"...your failure to report an injury on April 24, 1992 to your knee in a timely manner, which you reported to Mr. D. R. Barrett on July 21, 1992 was supported by the evidence adduced in the transcript. Carrier found sufficient degree of evidence to sustain all charges brought against you."

The Claimant received 30 days deferred suspension as discipline therefor.

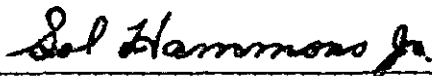
The Board finds that the Claimant was accorded the due process to which entitled.


There was sufficient evidence adduced to support the Carrier's conclusion of culpability.

The discipline is found to be reasonable. Claimant admitted that from April 24th up to July 16 and 17 he never told Mr. Don Rey Barrett the temporary supervisor that he had been injured. Thus, the fact remains, despite the rationale offered by the Claimant and the Organization, that the Claimant did not report an injury to almost three months after it occurred. Our Board has upheld that Carrier's disciplinary decisions for tardy reporting in our Award Nos. 450, 467, 527, 529 and 534.

The decision is very reasonable and reflects a man's unblemished record of 24 years service

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued November 27, 1993.