

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 251

Case No. 251
File 247-6806

Parties Brotherhood of Maintenance of Way Employes
to and
Dispute Union Pacific Railroad Company

Statement

of Claim: (1) Carrier violated Agreement Rule 12 when it dismissed
Track Foreman R. Giddens on July 16, 1984.

(2) Claimant shall now be allowed eight (8) hours each
workday, including any holidays falling therein and
any overtime which would have accrued to him beginning
July 16, 1984, and continuing until reinstated to
service with seniority, pass and vacation rights unimpaired.

The Board has jurisdiction of this case.

Claimant Track Foreman, following a formal investigation on the
charge:

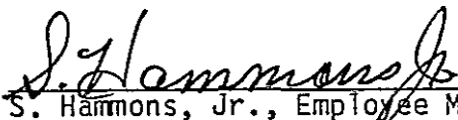
"...with the report of your alleged failure to comply
with Chief Engineer's instructions and Maintenance of
Way General Order #8..."

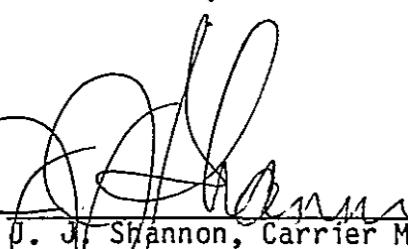
was dismissed from service as discipline therefor.


There was sufficient evidence adduced, including the admissions
of Claimant, to support Carrier's conclusion as to Claimant's
culpability. CT5 and 11. Claimant's failure to follow the
instructions resulted in the derailment of 17 cars and the destruction of
11 rails of main line. The fact that no lives were lost was not
attributable to Claimant.

In the circumstances, the discipline imposed is not deemed
unreasonable. This claim will be denied.

Award: Claim denied.


S. Hammons, Jr., Employee Member


J. J. Shannon, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 28, 1988.