

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 342

Case No. 342
File 247-7272

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Track Foreman K. V. Jackson was assessed a thirty-day suspension following a formal disciplinary investigation.

(2) Claimant Jackson shall now be allowed compensation for all wages lost and their personal records shall be cleared of any reference to the incident.

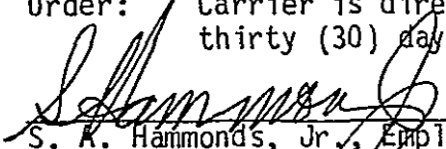
Findings: The Board has jurisdiction by reason of the parties Agreement establishing this Board.

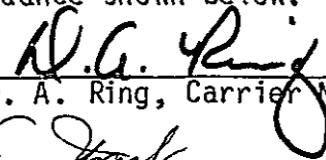
Following a formal investigation Track Foreman Jackson was notified that he had been found culpable and was assessed thirty days actual suspension as discipline for his violation of General Rule B, Rule 1511 of the Maintenance of Way Rules, effective April 28, 1985, and Rule 600 of the Safety Radio and General Rules for all Employees in connection with his failure to comply with the instructions issued by Roadmaster Self on September 24, 1985.

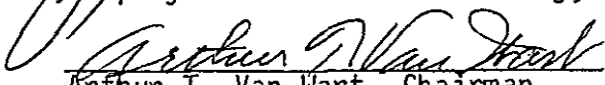
Track Foreman Jackson was notified at 3:00 PM by Roadmaster Self to go to Marshall the next day and build a new West switch. He arrived at the location without any tools to perform the work. He had some responsibility for the situation that he found himself in. However, because the truck was not directly assigned to Claimant's gang the amount of discipline assessed is disproportionate. Considering all circumstances the discipline will be reduced to a fifteen days suspension.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.


S. K. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.