

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 356

Case No. 356

File 870691G

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 Section Foreman C. K. Loch was assessed a fifteen day
deferred suspension.

(2) Claim in behalf of Section Foreman Loch to remove 15
days deferred suspension from claimant's personal record and
allow him to return to a foreman's position with all rights
restored.

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

Claimant, Section Foreman C. K. Loch, was working as
such with Gang 5119 on April 9, 1987. At approximately
11:50 AM he engaged in the apparent unsafe act of standing
on the track while train GLKCFW 08, Extra MP 3179 South was
approaching at Cain, Oklahoma.

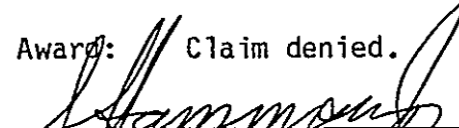
As a result, Claimant was notified to attend a formal
investigation in connection therewith. He was assessed as a
result thereof a 15 day deferred suspension.

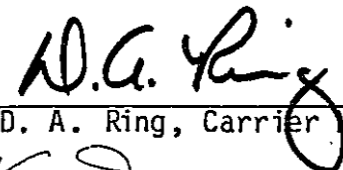
Claimant did not see the southbound train. He did not
realize the train was that close until it blew its whistle.
Claimant thanked the Engineer on the walkie talkie for
blowing the whistle.

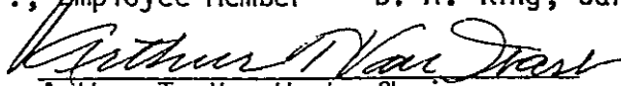
Claimant was accorded the due process to which entitled
under his discipline rule.

There was sufficient evidence adduced to support
Carrier's conclusion as to Claimant's culpability.
Claimant's deferred suspension was appropriate and after
serving same was placed back as a Foreman. This claim will
be denied.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 30, 1989.