

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 363

Case No. 363

File 870792G

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 Foreman Rudell Wilson was assessed a 30 day deferred
suspension.

(2) Claim in behalf of Track Foreman Wilson to remove 30 day
deferred suspension from his personal record and that Mr.
Wilson and Mr. Reaves be paid for wages lost when attending
the investigation.

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

Claimant Track Foreman Rudell Wilson submitted a
written personal injury report on August 3, 1987 stating
therein that he had injured his back on July 9th while
loading a switch stand onto a truck.

As a result thereof, a formal investigation was
conducted and Claimant was issued the discipline here
appealed.

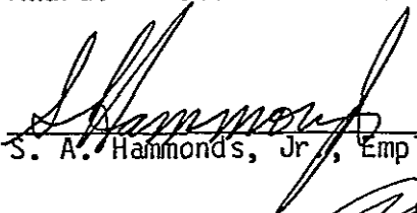
It is not a valid defense to try to excuse the failure
to report an injury by the assertion that it was a
reoccurrence of a former injury.

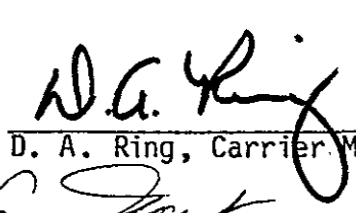
Claimant was accorded the due process to which entitled
under Rule 12.

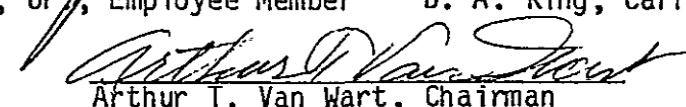
There was sufficient evidence adduced to support
Carrier's conclusion as to Claimant's culpability.

The discipline assessed was in the circumstances
reasonable.

Award: Claim denied.


S. A. Hammonds, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member