

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 369

Case No. 369

File 870812G

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Trackman S. P. Norcross, Welder Helper J. O. Allen and Welder A. L. Roberts were assessed 30 day actual suspension, 30 day actual suspension and 45 day actual suspension, respectively.

(2) Claim in behalf of Trackman S. P. Norcross, Welder Helper J. O. Allen and Welder A. L. Roberts for eight hours each work day, including any holidays falling therein, and any overtime that would have accrued to them had they not been suspended. Claim beginning August 21, 1987, and continuing through September 19, 1987 for Messrs. Norcross and Allen; and August 21, 1987 through October 4, 1987 for Mr. Roberts.

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

Claimants, on August 21, 1987, were working as members of Gang 2951 at MP 138.5 on the Trinity Subdivision. Maintenance Machinery which the three employees were in charge of was struck by Extra 6037 North at approximately 5:20 PM.


A formal investigation was held in connection therewith. Claimants were assessed the discipline here appealed.


Claimants were repairing a rail joint by way of applying angle bars on the East Main track off the multiple main territory, the Trinity Subdivision, and they were the only people at this location when the accident occurred. Claimants could have provided protection under Rule 99V. Or by two other methods, (1) by looking at approaching trains, (2) track and time as this was CTC territory, or a track and time for maintenance which is also used in CTC territory.


There was sufficient evidence adduced to support the conclusions of Carrier as to Claimants' culpability.

The discipline imposed was not unreasonable. 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.