

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 483

Case No. 483

File 900284

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

Statement
of Claim: Claim of Foreman R. D. Hilton, (assessed letter of
reprimand) and Machine Operator C. W. Brookshire, (assessed
10 days deferred suspension), for removal of all discipline
issued as a result of a hearing held at Van Buren, Arkansas,
January 18, 1990.

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

They attended the above formal investigation on the charge:

"...that ATS-51 collided with Ballaster Regulator BR-39
in the vicinity of the north siding switch at Braggs,
Oklahoma about 12:01 p.m., January 9, 1990, resulting
in personal injury to Machine Operator on the BR-
39...."

Track Foreman R. D. Hilton was riding on Machine ATS-51
operated by Machine Operator Brookshire. Machine Operator
Tyrus was operating Machine BR-39 which he stopped. Shortly
thereafter Machine ATS-51 struck Machine BR-39 injuring
Operator Bell which was attempting to stop.

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

The Board finds that there insufficient evidence
adduced to support Carrier's conclusion of culpability.
Consequently, this claim will be sustained.

Award: Claim sustained.

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

Sol Hammons Jr.
S. A. Hammons, Jr., Employee Member

D. A. Ring
D. A. Ring, Carrier Member

Arthur T. Van Wart
Arthur T. Van Wart, Chairman
and Neutral Member

Issued September 26, 1991.