

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 484

Case No. 484
File 900316

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

Statement of Claim: Claim of Machine Operator J. E. McKinnley, SSN 429-98-3184, for eight (8) hours each work day, including applicable January 2-11, 1990.

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

Following a formal investigation held on November 7, 1989, on the charge of:

"At approximately 1:00 PM on September 27, you were operating a ballast regulator and caused damage to bridge at MP 114.6."

the Claimant, Machine Operator, J. E. McKinnley was found culpable thereof. He was assessed a thirty day deferred suspension. However, because the Claimant had an uncleared thirty (30) day deferred suspension on his record which had been assessed July 14, 1989, the Claimant was required to serve such suspension.

There was sufficient evidence adduced, including the admission of Claimant that he had hit the bridge with the plow, to support Carrier's conclusion of his culpability. The Claimant, at T-14, admitted:

"A. --I guess I hit the bridge with the plow, but it was--that where the catwalk was,...

Q. You did hit the bridge--

A. Yes, sir,

Q. --with a ballast plow?

A. Yes, sir."

An admission of guilt ends the inquiry into the record as to the merits.

This claim will be denied.

Award: Claim denied.

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.