

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 510

Docket No. 510
File 900664

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

Statement
of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when Track Foreman L. B. Hamilton received a 30-day deferred
suspension on August 4, 1990.

(2) Claim on behalf of Mr. Hamilton for removal of this
incident from his personal record.

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

The Claimant, Track Foreman L. B. Hamilton, was charged
with:

"...failure to properly protect machines ATS 8903 and BR87M
by improperly aligning, locking and tagging switch #810 at
Leblanc spur on the north leg of the wye Donaldsville, LA
while working a Track Foreman of Gang 1975 on June 20,
1990..."

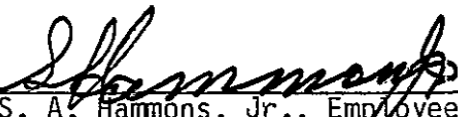
Carrier found him to be culpable. He was assessed a
discipline of 30 days deferred suspension.

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

The Board finds that the evidence adduced was
insufficiently clear to support Carrier's conclusion of the
Claimant's culpability. Therefore, the claim must be
sustained.

Award: Claim sustained as per findings.

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


S. A. Harmons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 24, 1992.