

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 564

Docket No. 564
File 910658

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

Statement of Claim: (1) Carrier violated the Agreement, especially Rule 12, when V. M. Munoz and R. Saucedo were assessed 30 days deferred suspension.

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

The Claimants, as a result of a formal hearing held on May 14, 1991, in connection with the X59 Crane being turned over on March 22, 1991 near MP 27 resulting in extensive damages and costs to the crane and the operations of the Carrier, were found to have been culpable. Therefore, the Carrier imposed a thirty (30) day deferred suspension.

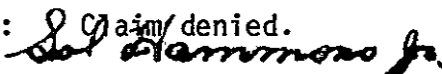
The Claimants were accorded the due process to which entitled under Discipline Rule 12.

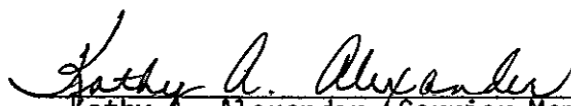
There was sufficient evidence adduced at the investigation to support the conclusion of the culpability of the Claimants. The Carrier properly concluded from the record that neither of the two qualified hoisting engineers had shorten the radius nor exercised the proper methods for unloading the 30 foot girder. Contrary to the Employees assertions the winds were not a factor in the overturning of the crane. Rather, the admissions of the Claimants were primarily contributory thereto.

The discipline imposed was reasonable.

This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


Kathy A. Alexander, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued December 19, 1992.