

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 570

Case No. 570

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

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12,  
when D. J. Hearn was assessed a letter of reprimand.

(2) Claim in behalf of Mr. Hearn for removal of discipline  
assessed.

Findings: The Board has jurisdiction of this dispute by reason  
of the Parties Agreement establishing this Board therefor.

Claimant Trackman attended a formal investigation on  
August 20, 1991 on the charge:

"On July 29, 1991, while working as a Trackman/Driver on Tie  
Gang 9165 in the vicinity of Mineral Wells, Texas, you  
allegedly drained diesel fuel onto the ground creating a  
hazardous spill."

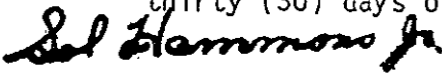
As a result of thereof, the Carrier concluded Claimant  
to be culpable. He was given a letter of reprimand as  
discipline therefor.

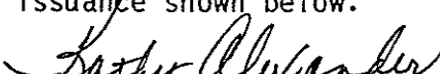
Claimant was accorded the due process to which entitled  
under Rule 12. There was sufficient evidence adduced to  
support the conclusion of Carrier as to the Claimant's  
guilt.


The discipline was reasonable. It has now served its  
purpose. Therefore, it should now be removed from the  
Claimant's record.

Award: Claim disposed of as per findings.

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

  
S. A. Hammons, Jr., Employee Member

  
Kathy Alexander, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued May 22, 1993.