

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 583

Case No. 583

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 M. J. Blackstone was dismissed from service on March
10, 1992.

(2) Claim in behalf of Mr. Blackstone for wage loss suffered
beginning March 10, 1992, until reinstated on March 24,
1992.

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

The Claimant attended a formal investigation held on
March 5, 1992 on the joint charge:

"...in connection with the reported collision of lead engine
UP 4111 and ATS 72 and subsequent collision of BR90M,
occurring on the west lead, Amelia Yard, at approximately
11:15 a.m. March 1, 1992 and resulting in personal injuries
to BR 90M Operator, M. J. Blackstone, while you were working
as crew members of LLM06-01 and gang members of servicing
Gang 1639 respectively..."

As a result of the investigation, Carrier concluded
from the transcript thereof, that Claimant was culpable. He
was dismissed from service as discipline but was reinstated
14 days later.

The Board finds that Claimant was accorded the due
process to which entitled under Rule 12.

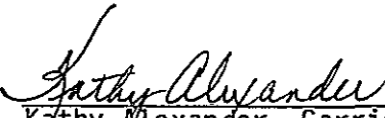
There was not sufficient information adduced to support
Carrier's conclusion of culpability which on reflection
causes a reversal of the discipline.

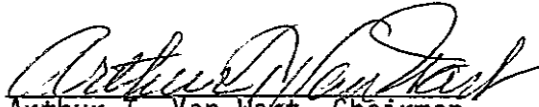
The discipline will be removed from the employee's
record but no pay for time lost will be allowed as the
Claimant was off injured.

Award: Claim disposed of (1) sustained and part (2) is denied.

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 I. Van Wart, Chairman
and Neutral Member

Issued May 22, 1993.