

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 612

Docket No. 612
File 920634

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

Statement
of Claim: (1) Carrier violated the Agreement, especially Rule 12,
when T. L. Schuchert (SSN 455-25-0078) was assessed a forty-
five (45) days actual suspension from September 1, 1992 to
and including October 15, 1992.

(2) Claim in behalf of Mr. Schuchert for wage loss suffered
beginning September 1, 1992 through October 15, 1992.

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

The Claimant Bridge Foreman, was notified to attend a
formal investigation on the charge:

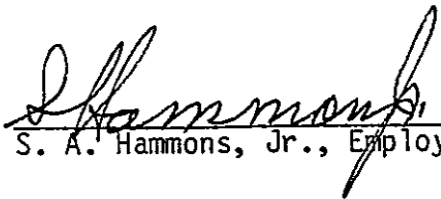
"...you allegedly failed to take every precaution to prevent
injury to yourself or others which resulted in personal
injury to L. D. Drees, B&B Carpenter..."

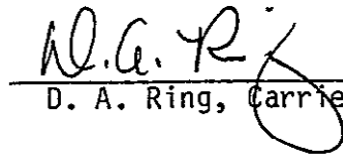
Carrier concluded from the investigation that Claimant
was culpable. He was given a 45 day suspension as
discipline therefor.


Claimant was accorded the due process to which entitled
under his discipline rule.

There was sufficient evidence to support the Carrier's
conclusion as to the Claimant's culpability. Whether
advertent or inadvertent the opening of a knife,
particularly in cramped quarters, and using it to attempt to
open a water bottle held between the legs of another person
without that person even being involved or absent a request
for assistance to do that, presents a strong opportunity for
someone, to receive an injury. An injury did occur here.
The Claimant's action was totally uncalled for. It was
unnecessary, unsafe and was an improper action on the part
of the Claimant. This claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued January 31, 1994.