

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 624

Docket No. 624
File 930492

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 V. K. Davis, SSN 465-57-2900, was assessed a 60-day actual suspension.

(2) Claim in behalf of V. K. Davis for removal of the 60-day actual suspension from his record and pay for wage loss suffered beginning March 13, 1993 through May 12, 1993.

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

The Claimant, Machine Operator V. K. Davis, was the Operator of a Trailing Tamper, ATS 9202. He was involved in a collision with a leading ballast regulator BR 9118 on February 12, 1993 resulting in damage to both machines.

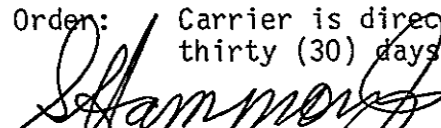
A hearing was held, on February 23, 1993, in connection therewith. The Carrier concluded therefrom that the Claimant was culpable of the charges placed against him. He was assessed a 60-day suspension.

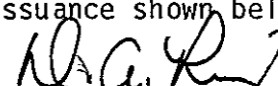
The Claimant was accorded the due process to which entitled under his discipline rule. There was sufficient evidence adduced, including the admissions of Claimant, to support the Carrier's conclusion.

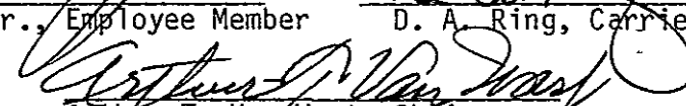
The record provides mitigating circumstances permitting a reduction in the discipline imposed to now be a 30 day suspension.

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


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member