

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20922
Docket Number MU-20942

Francis X. Quinn, Referee

(Brotherhood of Maintenance of Way **Employes**
PARTIES TO DISPUTE: (
(Robert W. Blanchette, Richard C. Bond, and
(John H. McArthur, Trustees of the Property
(of Penn Central Transportation Company,
(Debtor

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
that:

(1) The dismissal of Machine Operator E. C. Dillard was
without just and sufficient cause and on the basis of unproven and
disproven charges (System Docket - 307/Eastern Region - Harrisburg
Division).

(2) Machine Operator E. C. Dillard be reinstated with
seniority, vacation and all other rights unimpaired; the charges
against him be stricken from his record and he be compensated for
the assigned working hours lost.

OPINION OF BOARD: It was conceded by the Claimant that his conduct
on the day in question **was not** commendable. **How-**
ever, Claimant in recognizing his fault clearly reflects the first
step in rehabilitation. We believe this and Claimants years of ser-
vice merits consideration. We find that Claimant has paid the penal-
ty for his conduct on February 6, 1973 and should be returned
to work.

FINDINGS: **The** Third Division of the Adjustment Board, upon the
whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employes involved in this dis-
pute are respectively Carrier and **Employes within** the meaning of
the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdic-
tion over the dispute involved herein; and

That the Agreement was violated in part.

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Claimant is restored to service with full seniority **unim-**
paired but without back pay.

NATIONAL **RAILROAD** ADJUSTMENT **BOARD**
By Order of Third Division

ATTEST: *A.W. Paulson*
Executive Secretary

Dated at Chicago, Illinois this 16th day of January 1976.