

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award **Number** 25398
Docket Number MW-25429

Eugene T. Herbert. Referee

(Brotherhood of Maintenance of Way Employes
PARTIES TO DISPUTE: (
(**The** Chesapeake and Ohio Railway Company
(Northern Region)

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

"1. The disciplinary demotion of Track Foreman R. A. Dempsey to **trackman** effective September 10, **1982**, was excessive, without proper cause and was **an** abuse of justice **and** discretion (System File C-D-1438/MG-36121.

2. Mr. R. A. Dempsey's seniority as track foreman and assistant track foreman be restored and unimpaired."

OPINION OF BOARD: Based on a careful review of the entire record, the Board concludes that, while Claimant's guilt was established at a fair and impartial Hearing, the discipline **imposed** was excessive in light of all the **circumstances**. Accordingly, Claimant's seniority as track foreman and assistant track foreman should be restored and unimpaired.

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

That the parties waived oral hearing;

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

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the discipline was excessive.

A W A R D

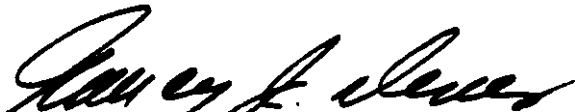
Claim sustained in accordance with the Opinion.

Award Number 25398
Docket Number NW-25429

Page 2

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:



Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois this 15th day of **April 1985**.