

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31722
Docket No. MW-31930
96-3-94-3-261**

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

**(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Cedar Rapids and Iowa City Railway Company**

STATEMENT OF CLAIM:

"Claim of the System Committee of the Brotherhood that:

- 1. The dismissal of Mr. R. Lerch for alleged violation of the CRANDIC Reporting Policy and provisions of CRANDIC Safety Manual Rules 607 and 617, in connection with the charges leveled against him on May 21, 1993, was arbitrary, on the basis of unproven charges and in violation of the Agreement.**
- 2. As a consequence of the violation referred to in Part (1) above, the Claimant shall be reinstated to service with all rights unimpaired, his record shall be cleared of the charges leveled against him and he shall be compensated for all wage loss suffered."**

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant was dismissed for alleged violations of Safety Rules 607 and 617. After careful review of the record and consideration of all of the particular facts and circumstances, the Board concludes that this dispute should be resolved by affording the Claimant a last chance to demonstrate that he can be a productive employee who abides by all rules and regulations. Accordingly, Claimant shall be reinstated on a last chance basis with seniority unimpaired, but without any backpay or other monetary compensation.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

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

Dated at Chicago, Illinois, this 25th day of September 1996.