

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25398
Docket Number MW-25429

Eugene T. Herbert, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(
(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-3612).

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 Employees involved in this dispute are respectively Carrier and Employees 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.

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By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

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