

PUBLIC LAW BOARD NO. 2366

AWARD NO. 48

DOCKET NO. 62

BMW NO. D-251-T-82

ICG NO. 1506

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- " (1) The dismissal of Trackman S. E. Oliver for allegedly "being accident prone" was without just and sufficient cause...
- ' (2) Trackman S. E. Oliver shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.' "

OPINION OF BOARD

Claimant was notified to attend an investigation concerning a charge that he had a propensity to be accident-prone. Subsequent to the investigation, he was dismissed from service.

Despite protestations to the contrary, we are of the view that Carrier has substantiated the charges. We feel, however, that a permanent dismissal was unduly harsh.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

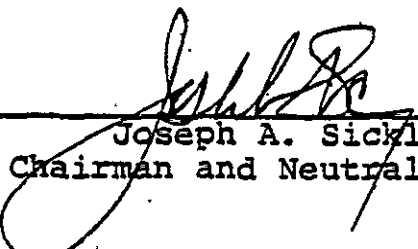
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

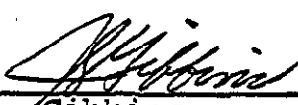
This Board has jurisdiction over the dispute involved herein.

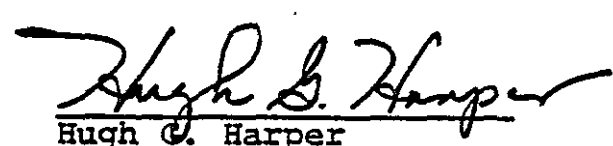
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. The termination is set aside.
2. Claimant shall be restored to service with seniority and other benefits but shall not receive reimbursement for compensation lost during the suspension.
3. The Carrier shall comply with this Award within thirty (30) days of the effective date.

  
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Joseph A. Sickles  
Chairman and Neutral Member

  
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J. S. Gibbins  
Carrier Member

  
\_\_\_\_\_  
Hugh G. Harper  
Organization Member

5/31/83  
\_\_\_\_\_  
DATE