

PUBLIC LAW BOARD NO. 3514
Case No. 111 Award No. 111

PARTIES Brotherhood of Maintenance of Way Employees
to -and-
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of Machine Operator H. D. Cutter to have the discipline of dismissal removed from his record.

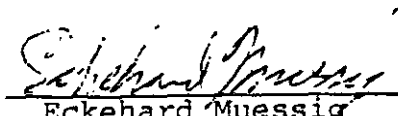
FINDINGS: The Claimant had been dismissed from the Carrier's service for his failures to properly perform his duties, which resulted in damage to a bridge and a derailment. He later was returned to the service on a leniency basis with the time held out of service applied as discipline.

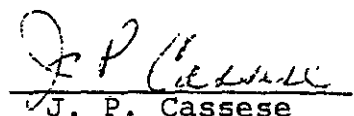
Our careful review of the entire record leads to a finding that the Claimant cannot absolve himself of some responsibility for the events that occurred on November 22, 1984, as specified in the charges of the Carrier. However, although some discipline was warranted, when the Claimant's degree of responsibility for what occurred is carefully weighted, we find a written reprimand more appropriately fits the offense. The Claimant shall be paid for time held out of service in accordance with the appropriate rules.

AWARD

The claim is sustained to the extent specified above.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: MAY 27 1986