

Award No.29  
Case No. 36

Public Law Board No. 3514

PARTIES  
TO  
DISPUTE:

Brotherhood of Maintenance of Way Employees  
and  
Consolidated Rail Corporation

STATEMENT  
OF  
CLAIM:

Appeal by G. Knox from discipline of suspension  
from December 25, 1981 until January 4, 1982.

FINDINGS:

Claimant's suspension was based on Carrier's  
findings that he, along with Supervisor Bennett,  
failed to make proper repairs to rails and that  
their negligence caused a derailment on Decem-  
ber 25, 1981.

Mr. Bennett was dismissed as an Assistant Super-  
intendent and suspended for six months.

The record shows that claimant normally served  
as a truck driver and was only "filling in" on the day in question.  
It appears that claimant told Mr. Bennett that the track was not  
in a safe condition and should be replaced at the point in question.  
The evidence does not indicate that claimant did not carry out the  
instructions that were given to him.

We are not satisfied that this record supports  
the loss of pay imposed on claimant. The discipline will be set  
aside.

AWARD:

Claim sustained. To be effective within 30 days.

Adopted at Philadelphia, Pa., October 4, 1984.



Harold M. Weston, Chairman

  
Carrier Member  
Employee Member