

Case No. 89 Award No. 94

STATEMENT OF CLAIM: Appeal of B & B Mechanic M. Valente to have twenty (20) days suspension removed.

The Claimant, on January 15, 1982, was part of a crew assigned to install walking planking on a bridge. However, the description of the incident used by the Carrier to make its case with respect to the Claimant is not supported by the evidence adduced at the hearing. Essentially, the Carrier has speculated as to the Claimant's role and responsibility for events which it considered to be in violation of its rules.

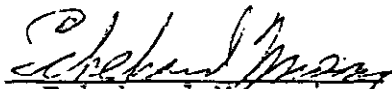
While it is true that the Claimant was a member of the crew that was involved in the events under dispute, he was never identified with respect to the circumstances surrounding the alleged purchase of alcohol. Moreover, the Foreman was in charge


of the crew and the significant movements of the crew were undertaken on his authority. Accordingly, the Carrier's discipline with respect to the Claimant is not reasonable under the evidence presented in the record, and is set aside.

AWARD

The claim is sustained.


F. J. Domzalski
Carrier Member


ECKEHARD MUESSIG
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1967