

PUBLIC LAW BOARD NO. 2556

Award No. 7

Case No. 7

Docket No. MW-237

Parties Brotherhood of Maintenance of Way Employees
to and

Dispute Southern Railway Company

Statement

of Claim: Claim on behalf of Walter Dean Anderson for reinstatement with seniority and other rights unimpaired, and pay for all time lost subsequent to 10/2/79.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 17, 1979, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, a B&B Apprentice was dismissed, October 31, 1979, following an investigation held on October 19, 1979 on the charge of conduct unbecoming a Southern Railway Employee.

Claimant was accorded a fair hearing.


There was sufficient evidence adduced to support the conclusion reached by Carrier as to Claimant's culpability.


The Board, based on the representations made on behalf of Claimant, finds that he should be afforded a last chance to work for Carrier. Consequently, Claimant shall be restored to service with all rights unimpaired, but without any pay for time out of service and placed in a probationary status for a one year period subject, of course, to his passing the necessary return to service examinations and, if possible, granted the right to displace in a gang other than that supervised by the foreman involved in the incident leading to the instant dispute. Claimant will be given reasonable time to be notified and to return to service. However, should the terms of his conditional return be not acceptable to Claimant, or if he fails to report back within 60 days of notification, the award will be denied at the time of such event.

Award: Claim disposed of as per findings.

Order: Carrier is directed to make this Award within thirty (30)
days of date of issuance shown below.


A. D. Arnett, Employee Member


R. S. Spenski, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Wilmington, Delaware, April 18, 1981