

PUBLIC LAW BOARD NO. 3514

Case No. 85 Award No. 91

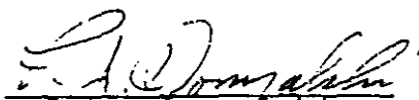
PARTIES Brotherhood of Maintenance of Way Employees
to -and-
DISPUTE: Consolidated Rail Corporation

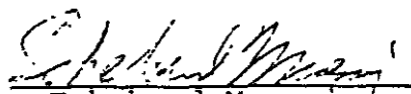
STATEMENT OF CLAIM: Appeal of Richard Dix for disqualification
as a Foreman.

FINDINGS: Subsequent to an investigation, the Claimant was found
guilty of the charge that he used a Company vehicle on Saturday
and Sunday, September 13 and 14, 1980, without having secured
proper authorization. The Claimant testified during the trial that
he took the vehicle without proper authority. Accordingly, the
Carrier's findings and its assessment of discipline were not un-
reasonable. However, given the period of time since the incident
occurred, we consider this sufficient penalty for the violation,
and he should be afforded another opportunity to serve as Foreman.

AWARD

The disqualification will be removed, but no back pay will be
due the Claimant. This Award is to be effected within thirty (30)
days of the date of this Award.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

JAN 23 1986