

Parties  
to the  
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
as the Representative of  
R. D. Heckathorn

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 14

*Award No. 23*

STATEMENT OF CLAIM

System Docket CR-86D - Appeal of discipline of dismissal  
assessed R. D. Heckathorn on June 18, 1982.

OPINION OF THE BOARD

Claimant Richard D. Heckathorn was at the time of his dismissal from service on June 18, 1982, an M&W Repairman in Carrier's Service in Canton, Ohio. On June 2, 1978, he was instructed to attend a hearing into an alleged violation of Safety Rule 3013 and General Rule D. Carrier contended that Claimant was observed lighting and placing a smoke bomb in the Electrical Room at the West End of the M&W Repair Facility. A hearing into the matter was held on June 7, 1982. Claimant was found guilty as charged and discharged from Carrier's service. A record of that hearing has been made a part of


the record submitted to this Board. The Board has reviewed that record and the other pertinent material presented by both sides and has concluded that Claimant is guilty as charged and that Carrier was justified in its findings.

The Board cannot agree, however, that dismissal from service is called for in this instance. Claimant is guilty of a major infraction and this Board does not condone such practical jokes, but it is the Board's opinion that Carrier's point on this issue can be made with a long suspension. The Board believes that both parties would be well served by reinstating Claimant to his former position, but without pay for lost time or benefits. This reinstatement is with the admonishment of Claimant to the effect that any future rule infraction of this or any other serious nature will result in his permanent dismissal from Carrier's employ.

AWARD

Claimant shall be reinstated per opinion of the Board. Carrier shall implement this award within 30 days of its adoption.

  
R.E. Dennis, Neutral Member

  
R. O'Neil, Carrier Member

  
J. Dodd, Employee Member

1-20-86  
Date of Adoption