

Parties  
to the  
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 30

*Qua No. 28*

STATEMENT OF CLAIM

1. That the discipline imposed upon C. A. Komisor on July 30, 1984 was arbitrary, excessive and unsupported by the evidence adduced at trial.
2. That C. A. Komisor should be returned to service immediately, compensated for all lost earnings as a result of this discipline and have his record cleared of any reference to this discipline.

OPINION OF THE BOARD

Claimant C. A. Komisor was a B & B Mechanic in Carrier's employ at Edgemoor. On July 17, 1984, he was notified to attend an investigation into the following charges:

- A. Falsification of a personal injury report made out and signed by you on 6/22/84, wherein you alledge (sic) to have injured your back on April 13, 1984 while replacing the metal grating footwalk on Bridge #3, Wilmington, Delaware when in fact you did not.

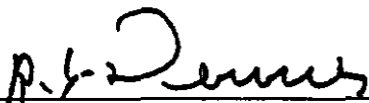
- B. Failure to properly and timely report an alledged (sic) personal injury which you contend to have occurred on April 13, 1984 while replacing the metal grating footwalk on Bridge #3, Wilmington, Delaware and which you reported on 6/22/84, in violation of Rule 3000(b), Conrail's Safety Rules for Maintenance of Way Employees, Form S7-C.

An investigation into the matter was held on July 24, 1984. As a result of that investigation, Claimant was found guilty as charged and dismissed from Carrier's employ.

The Board has reviewed the extensive record of this case and agrees with Carrier's decision in the case. Claimant was guilty of a serious violation and, as such, his dismissal from service was appropriate.

AWARD

The claim is denied.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member

  
R. O'Neil, Carrier Member

1-30-86  
Date of Adoption