

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 34

Award No. 31

STATEMENT OF CLAIM

1. That the discipline imposed upon M. J. Napolitan on July 5, 1984 was arbitrary, excessive and unsupported by the evidence adduced at trial.
2. That M. J. Napolitan be immediately restored to service with all seniority rights unimpaired and compensated for all earnings lost as a result of this discipline.

OPINION OF THE BOARD

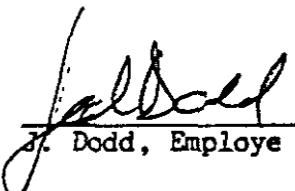
Claimant M. J. Napolitan was a Trackman in Ashtabula, Ohio. On June 15, 1984, he was charged with attempted theft of gasoline. A hearing into the matter was held on June 25, 1984. As a result of that hearing, Claimant was found guilty as charged and dismissed from Carrier's service.

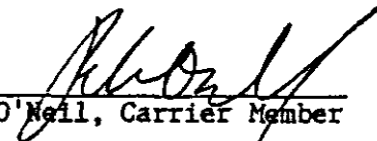
This Board has reviewed the complete record of the case and must conclude that the record supports Carrier's actions.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


J. Dodd, Employee Member


R. O'Neil, Carrier Member

1-30-88
Date of Adoption