

NATIONAL MEDIATION BOARD, ADMINISTRATOR
SPECIAL BOARD OF ADJUSTMENT NO. 957

In the Matter of the Arbitration

-between-

Brotherhood of Maintenance of
Way Employes

-and-

Southeastern Pennsylvania
Transportation Authority

OPINION AND AWARD
Award No. 264

In accordance with the September 26, 1999 agreement in effect between the above-named parties, the Undersigned was designated as the Chairman and Neutral Member of the SEPTA-BMWE Public Law Board (the Board) to hear and decide the following Claim:

1. The dismissal of Trackman General Helper J. Mehaffey for alleged violation of Department Work Rules, NORAC Rules and SRW Rules was without just and sufficient cause, based on unproven charges, arbitrary and capricious (SEPTA Grievance 02-064-F12).
2. Trackman General Helper J. Mehaffey shall now be reinstated to service with seniority and all other rights unimpaired, compensated for all wage loss suffered and reimbursed for any expenses incurred resulting from his dismissal.

A hearing was held in Philadelphia, Pennsylvania on March 18, 2004 at which time the representatives of the parties appeared. The Claimant attended the hearing. All concerned were afforded a full opportunity to offer evidence and argument and to examine and cross-examine witnesses consistent with the relevant procedures that exist between the parties. The Arbitrator's Oath

was waived. The Board met in Executive Session after the hearing.

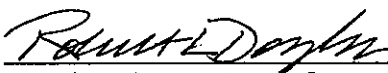
FINDINGS OF FACT AND OPINION OF THE BOARD


The record indicates that the present dispute arose in connection with an alleged incident on September 29, 2002. The Carrier maintained that the Agreement had authorized the Carrier to take the disputed action against the Claimant. The Organization asserted that the Carrier improperly treated the Claimant.

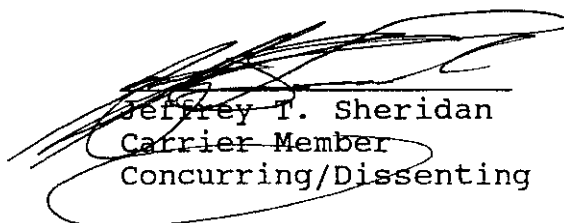
During the hearing the parties indicated that they had agreed to settle the instant dispute. The Award therefore shall indicate that the Claim is dismissed.

Accordingly, the Undersigned, duly designated as the Chairman and Neutral Member of the SEPTA-BMWE Public Law Board and having heard the proofs and allegations of the above-named parties, makes the following AWARD:

The Claim is dismissed.


Robert L. Douglas
Chairman and Neutral Member


William L. Capik
Employee Member
Concurring/Dissenting


Jeffrey T. Sheridan
Carrier Member
Concurring/Dissenting

DATED: _____