

Award No. 109  
Case No. 107  
System Docket No. CR-2682-D

SPECIAL BOARD OF ADJUSTMENT NO. 976  
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of disqualification as a Vehicle Operator assessed W. L. Hale in connection with being charged with failure to safely and properly operate a Conrail vehicle.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

There is sufficient evidence to support the company's finding that claimant was guilty of the charge. However while we do not minimize his actions, we feel permanent disqualification is inappropriate, therefore it shall be removed after one year has elapsed with no compensation to be made to the claimant.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 3<sup>rd</sup> day of April, 1987.