

Award No. 112
Case No. 113
System Docket No. CR-2700-D

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

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:


Appeal of thirty day suspension assessed W. E. Cook in connection with being charged with theft of Company property.

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:

Claimant readily and ashamedly admits to taking the 30" x 24" piece of steel grating from an abandoned facility which he believed to be scrap. Removal of Company material without authorization, albeit scrap, is a serious offense. However, when taking into account the claimant's thirty-eight years of good service, we find under these particular set of circumstances, the discipline assessed was excessive and shall be reduced to a 10 day suspension.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 3rd day of April, 1987.