

Award No. 125
Case No. 141
System Docket No. CR-2828-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed C. A. Rozewicz on December 8, 1986, in connection with being charged with various Safety Rule violations and being accident prone.

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:

Clearly had the claimant been more diligent in his work performance he would not have been injured. However, while the record shows an inordinate number of injuries during his tenure, the absence of discipline concomitant with the injuries and safety rule violations disposes this Board to afford him one last opportunity to be a safe and reliable employee. Therefore, claimant is to be restored to service, and the discipline is reduced to a 90 day suspension.

C. A. Peacock
C. A. Peacock, Neutral Member

F. J. Domzalski
F. J. Domzalski, Carrier Member

Jed Dodd
Jed Dodd, Organization Member

Issued this 23 day of July, 1987.