

Award No. 174
Case No. 179
System Docket No. CR-3163-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed P. A. Shelman on August 18, 1987, in connection with being charged with falsification of circumstances and events pertaining to personal injury reported on April 28, 1987.

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:

While the record tends to lean toward suspicion and a lack of credibility, we find it difficult to discern fact from fiction. However, due to the claimant's long service and the unclear posture of the record, dismissal would appear to be excessive. He will be reinstated, but without pay and the resulting suspension will emphasize the gravity of the situation.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 30th day of March 1988.