

Award No. 177
Case No. 180
System Docket No. CR-3154-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of discipline of time held out of service imposed on R. Critchlow, in connection with being charged with fighting with another employee in Company Camp Car.

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:

The transcript lacks clarity, however the crux of this case shows the claimant was awakened from his sleep and attacked by another employee and his efforts to avoid further blows cannot be viewed as other than defensive. Accordingly we find his limited role was not improper under the circumstance and he shall be exonerated in accordance with Section 4 of Rule 27.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 8 day of April, 1988.