

Award No. 19

Case No. 14

System Docket No. CR-1461-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

30 Day suspension assessed J. J. Boley in connection with being charged with failure to comply with Rules I and 104 of the Rules of the Transportation Department.

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: Clearly appellant failed to comply with Conrail's Operating Rules in that he did not immediately notify movement personnel of the track defect. However, this Board notes the problems appellant encountered on the day and feels the discipline was excessive. Weighing all of the facts, we will reduce the amount of discipline to a 10 day suspension.



C. A. Peacock, Neutral Member



F. J. Domzalski, Carrier Member



J. J. Dodd, Organization Member

Issued this 23<sup>rd</sup> day of May, 1986.