

Award No. 194
Case No. 196
System Docket No. CR-3338-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

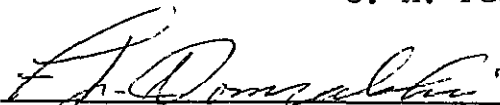
Appeal of dismissal assessed D. P. Seamanik on November 18, 1987, in connection with being charged with falsely claiming that he performed service on a rest day when he did not actually work.


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:

Testimony shows he was on the property on date in question and perhaps may have performed a minimal amount of work, albeit unauthorized, however much weight must be given to the testimony of Foreman Reynolds and the clear fact that claimant put in for more time than could be verified, thus clearly proving his culpability. However, we believe that in light of his tenure and relatively good service, a lengthy suspension would be a more fitting penalty. Therefore claimant shall be restored to service but without pay for all time lost. Further, claimant is put on notice that his restoration is on a last chance basis.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 26th day of May 1988.