

Award No. 230
Case No. 244
System Docket No. CR-3965-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:

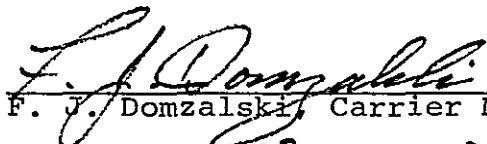
Appeal of dismissal assessed A. L. Nixon on September 16, 1988, in connection with being charged with insubordination and violation of Safety Rule 3060.

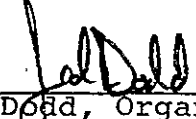
Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

There is no doubt that claimant erred in his judgement and that Carrier had reason for discipline, however, there are certain mitigating factors, as set forth in the total record, and these circumstances prompt us to conclude he should be given another opportunity to become a useful employee. Accordingly, claimant is to be restored to service, but without back pay.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 23 day of February, 1989.