

Award No. 249
Case No. 253
System Docket No. CR-4209-D

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

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:


Appeal of reprimand assessed W. Repko in connection with being charged with violation of Safety Rule 3321(M), observed being inside a vehicle when Amtrak train passed him on an adjacent track.

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:

We find insufficient evidence to convincingly prove that claimant violated the safety rule and, therefore, the reprimand will be expunged from his record.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 21 day of April, 1989.