

Award No. 294

Case No. 294

System Docket No. MW-732

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of dismissal assessed R. L. Stone on August 24, 1989, in connection with being charged with sleeping on duty.

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 sufficient evidence to support Carrier's conclusion that claimant was guilty as charged. However, while the Board does not minimize the claimant's actions, it does take into account his 15 years of discipline free service and determines that he should be afforded another opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for lost time. The lengthy suspension without pay will emphasize the gravity of this situation.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 26 day of Apr, 1990.