

Award No. 303
Case No. 303
System Docket No. MW-1193

SPECIAL BOARD OF ADJUSTMENT NO. 976
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
VS.
CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:


Appeal of dismissal assessed A. K. Crissman on June 1, 1990, in connection with being charged with falsification of an accident report, being absent from duty without permission and unauthorized removal of and possession of material found on company property.

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:

While the record is open to speculation, we do find sufficient evidence to convince this Board that claimant is guilty of a portion of the charges, thus discipline was warranted. However, in light of claimant's 15 years of discipline free service, we deem that he should be given one last opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for time lost.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 11 day of April, 1991.