

Award No. 311
Case No. 311
System Docket No. MW-1476

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

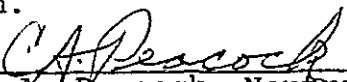
STATEMENT OF CLAIM:


Appeal of dismissal assessed C. E. Miller on November 14, 1990, (taken out of service on October 9, 1990) in connection with being charged with unauthorized absence from his work location, unauthorized use of Company vehicle and unauthorized removal and disposal of Company material.

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:

Despite his prior protestations which were corroborated during the hearing, claimant nonetheless assisted his coworker in the unloading of Company material at the junk yard, thus proving he was guilty as charged. However, while the Board does not minimize the claimants actions, it does denote a significant difference between the facts and mitigating circumstances involved in this case and those involved in Award No. 312, and taking into account claimants 14 years of discipline free service, we deem that he should be afforded another opportunity to be a reliable employee. Therefore, claimant is to be restored to service but without compensation for time lost. This lengthy suspension without pay will emphasize the gravity of the situation.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jed Dodd, Organization Member

Issued this 11 day of April, 1991.