

Award No. 314  
Case No. 314  
System Docket No. MW-1537

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

STATEMENT OF CLAIM:

Appeal of 18 day suspension assessed J. M. Sindoni, in connection with being charged with failure to properly perform the duties of an I/R Foreman.

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 not find sufficient evidence to convince this Board that Claimant was derelict in the performance of his duties. Lacking credible evidence, we deem that Claimant should be exonerated in accordance with Section 4 of Rule 27.

C. A. Peacock  
C. A. Peacock, Neutral Member

F. J. Domzalski  
F. J. Domzalski, Carrier Member

Jed Dodd  
Jed Dodd, Organization Member

Issued this 13 day of September, 1991.