

Award No. 315  
Case No. 315  
System Docket No. MW-1539

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

STATEMENT OF CLAIM:

Appeal of 57 days suspension assessed G. L. Cline, in connection with being charged with failure to safely operate his machine which resulted in a collision with the CAT Tamper.

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:

Based on the evidence presented, the conclusion of the Carrier was not unreasonable and some discipline was warranted, however, in consideration of his 16 years of discipline free service, we find the discipline assessed for this first offense to be excessive and it shall be reduced to a 15 day suspension.

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.