

Award No. 327
Case No. 327
System Docket No. MW-1891

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

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed J. Farrell, on April 16, 1991, in connection with being charged with falsification of the circumstances surrounding the injury he reported on February 12, 1991.

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:

The evidence adduced at the hearing unquestionably supports the Carrier's conclusion that he is guilty of the offense for which he was charged. However, while we do not minimize the Claimant's actions, the Board does take into account his 16 years of discipline free service and determines that he should be given one last opportunity to be a safe and reliable employee. Therefore, Claimant is to be restored to service but without compensation for time lost. The lengthy suspension without pay will emphasize the gravity of this situation.

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

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

Jed Dodd
Jed Dodd, Organization Member

Issued this 7th day of Feb., 1992.