

Award No. 329
Case No. 329
System Docket No. MW-2116

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

STATEMENT OF CLAIM:

Appeal of 50 day suspension assessed F. E. Thayer, in connection with being charged with failure to properly operate Dump Truck resulting in striking of bridge MP 136.04 on June 12, 1991, causing damage to truck bridge and track structure.

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:

There is sufficient evidence to support Carrier's conclusion that claimant was guilty as charged. However, in consideration of his 15 years of discipline free service, we find the discipline assessed for this first offense to be excessive and it shall be reduced to a 30 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 July, 1992.