

Award No. 38

Case No. 35

System Docket No. CR-1794-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

VS.

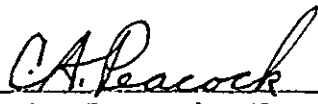
CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Time held out of service (20 days) assessed
D. T. Wagner in connection with being charged
with failure to provide proper protection for
Conrail equipment.

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: Claimant should have exercised better judgement under
the circumstances at hand, however we find the amount
of discipline to be excessive and it shall be reduced
to a 10 day suspension.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Ted Dodd, Organization Member

Issued this 23rd day of May, 1986.