

Award No. 39
Case No. 39
System Docket No. CR-1862-D

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

VS.

CONSOLIDATED RAIL CORPORATION

STATEMENT OF CLAIM:

Appeal of dismissal assessed R. J. Snyder and to pay restitution of \$592.40 in connection with being charged with unauthorized and fraudulent use of Conrail Credit and Theft by deception by purchasing 2 meals for personal use and gain at the Texas Lunch, Lock Haven, Pa., during the period April 19 to August 23, 1985.

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 almost 10 years of service with an unblemished record, the time he has been out of service should constitute sufficient discipline. Therefore, claimant is to be restored to service but without compensation for time lost, subject to him making full restitution of \$592.40 to the company.


C. A. Peacock, Neutral Member


F. J. Domzalski, Carrier Member


Jeff Dodd, Organization Member

Issued this 18th day of June, 1986.